



*Ministry for the*  
**Environment**  
*Manatū Mō Te Taiao*

# **A National Monitoring System for the Resource Management Act 1991 – A proposal for discussion**

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- Ministry Project Team.

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# Executive summary

New Zealanders need confidence that the country's resources are being effectively and efficiently managed to deliver both economic and environmental benefits for current and future generations. The Resource Management Act 1991 (RMA) is the key mechanism under which decisions about the country's resources are made. A sound understanding of how the RMA is being implemented – whether the various functions, tools and processes under the RMA are performing – is critical to understanding whether the Act is achieving its purpose of sustainable management of our natural and physical resources.

This document presents and seeks feedback on a proposed National Monitoring System for the Resource Management Act 1991. The National Monitoring System, which is proposed to replace the current two-yearly Survey of Local Authorities, represents a more transparent, robust and coordinated approach for monitoring how effectively the RMA is being implemented. It will improve the availability, consistency, comparability and timeliness of RMA information and achieve efficiencies by streamlining collection.

When finalised and in place, the National Monitoring System for the RMA will:

- determine **what** information is gathered at national, regional and local levels, to better tell the story about how effectively the RMA is being implemented
- improve **how** the necessary information is captured, shared and reported, by aligning it with existing statutory processes and council processing systems.

The National Monitoring System will sit alongside other initiatives to improve our evidence base around the performance of our environmental management system. This includes exploring user satisfaction surveys as a way of understanding the experience of the public with resource management processes and council service performance. The National Monitoring System and user survey focus on implementation information will be complemented by better outcome information generated by the review of our environmental reporting framework being undertaken by the Ministry for the Environment.

The proposed National Monitoring System has been designed to improve information quality and increase clarity and certainty. However, there are likely to be costs. A key objective of the proposal is to generate the anticipated benefits while minimising unnecessary costs to councils and central government over the short and long term. Ways to avoid or offset costs are proposed as part of the National Monitoring System. These include building on existing monitoring processes and achieving efficiencies by developing and using consistent data standards, best practices, and electronic reporting tools and templates.

In your role as implementers of the RMA, your feedback is critical. We need to ensure all potential costs and benefits are fully identified and understood before further decisions on the design and implementation of the National Monitoring System are made. This information will ensure the National Monitoring System and its implementation are cost efficient and fit for purpose. In addition, as part of developing an approach to user satisfaction information, we would like to understand what your current practices are for gathering customer survey information.

## **The case for change**

Responsibility for monitoring implementation of the RMA primarily rests with the Ministry for the Environment (on behalf of the Minister for the Environment) and local authorities. At present, national information is gathered in a variety of ways, including a two-yearly Survey of Local Authorities, implementation surveys, periodic research, and *ad hoc* data requests.

Other than the two-yearly Survey, there is no national framework to guide how we monitor RMA implementation, including what information should be collected. Councils therefore differ in what, when, where and how they do so, which makes it difficult to capture consistent and comparable information on the implementation of the RMA and how effectively it is achieving its purpose for New Zealanders.

Improving and standardising monitoring will enable a more detailed understanding of how effectively the RMA's tools and processes are being implemented, and how any amendments and national tools are working.

## **What this document contains**

This discussion document is in two parts – Part A and Part B.

Part A includes sections 1 – 5. These describe:

1. The scope of the proposed National Monitoring System and objectives of this document.
2. The case for change – limitations of the current system and objectives and benefits of nationally-consistent RMA monitoring.
3. Background to how the thinking was developed and how it links to other initiatives.
4. An overview of the proposed system and its implementation.
5. How to provide feedback and guidance on the type of feedback that will help refine the proposal and ensure it achieves its objectives.

Part B covers sections 6 – 15. These describe 10 categories of RMA processes (such as plan making and resource consents) and suggestions on what needs to be monitored for each (eg, timeframes, costs and decision-making). These categories cover most areas of information captured through the current two-yearly Survey, but in greater detail.

## **Feedback sought – What are the impacts and benefits to you?**

The Ministry for the Environment is seeking feedback on the general approach to the proposed National Monitoring System and its implementation. We're keen to understand fully how the monitoring proposed in Part B will align with councils' and other affected agencies existing functions, data and systems. In particular, we would like to know the scope and extent of any impact or benefit the proposed system could have on current monitoring systems, processes and practices in the short and long term.

Section 5 sets out questions for each council, including the current systems used for monitoring across key RMA functions. This information will improve our understanding across all councils' monitoring systems and processes and help refine the proposed implementation of the National Monitoring System. A question on the use of user satisfaction surveys across RMA



processes is also included to help support thinking around the proposals for improved council performance monitoring under the 2013 RMA reforms.

Details on how to submit feedback are provided in section 5.

Feedback should be received by the Ministry for the Environment by 5.00pm 30 August 2013.



# **Part A: Effective monitoring to improve RMA implementation**

# 1 Introduction

New Zealanders need confidence that the country's resources are being effectively and efficiently managed to deliver both economic and environmental benefits for current and future generations. A well-functioning resource management system requires credible, robust information about how that system is working. This includes information on:

- implementation – how well is the resource management system being implemented by local and central government?
- outcomes – what is the state of New Zealand's environment for the full range of values New Zealanders hold (ecological, social, cultural and economic) and are we using our natural resources efficiently and sustainably?

This document sets out a proposed approach to gathering information on the **implementation** of the Resource Management Act 1991 (RMA). Effectively monitoring how the RMA is implemented allows us to understand whether its various functions, tools and processes are achieving what they were intended to, and what changes might be necessary to ensure the best outcomes are achieved.

Building on the existing two-yearly Survey of Local Authorities, we have developed a proposed National Monitoring System for the RMA. The system will:

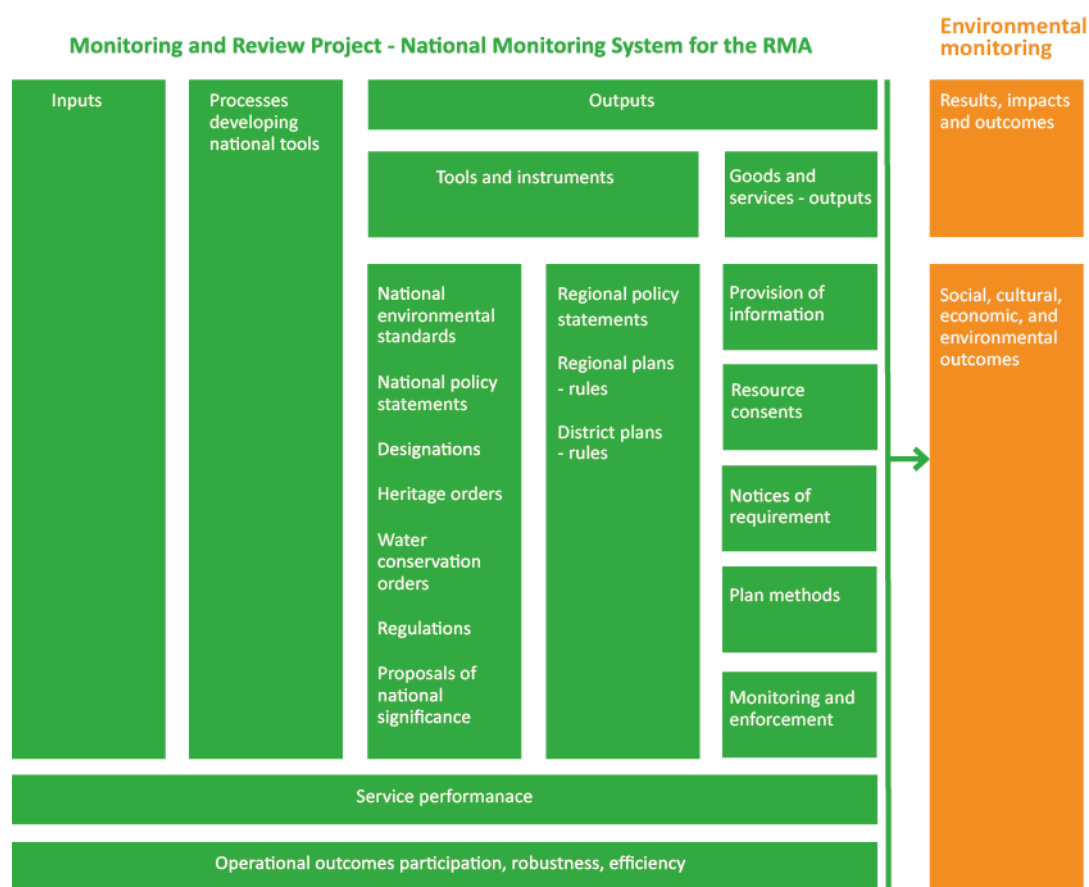
- determine **what** information is gathered at national, regional and local levels, to better tell the story about how effectively the RMA is being implemented
- improve **how** the necessary information is captured, shared and reported, by aligning it with existing statutory processes and council processing systems.

This document outlines the proposed National Monitoring System and seeks feedback on the approach, content and cost implications for councils and others to inform decisions by Ministers and subsequent implementation. Our objective is to create a system which generates relevant and high quality information about the performance of the RMA but which minimises unnecessary compliance costs on councils and central government. Your feedback is therefore important – we need to fully understand the likely impact of the proposed National Monitoring System before decisions are made about its design.

In parallel, work is underway to improve information on **outcomes**. This spans initiatives to improve data quality and consistency at the local level, a review of the overall environmental indicator framework to ensure it captures all relevant values, and consideration of roles and responsibilities for reporting and assurance. These improvements to information on environmental outcomes will sit alongside the National Monitoring System, but do not form part of this document.

The scope of National Monitoring System and its link to environmental outcome monitoring work is shown in figure 1.

**Figure 1: The scope of the proposed National Monitoring System for the RMA**



## User satisfaction information

At present, the National Monitoring System focuses primarily on gathering quantitative and contextual information on RMA implementation. In the future we propose to supplement this with requirements for additional qualitative information, such as a user experience survey, to develop a comprehensive understanding of council performance.

To help us better understand the current use of user satisfaction surveys, we have included a question to capture information on when and how they are used by each council to support RMA services and processes. This will help inform further thinking around their use as part of proposals for improved performance monitoring measures for councils under the 2013 RMA reforms.

## Performance expectations

The recent discussion document on reforming the RMA *‘Improving our resource management system’* included proposals to develop an expectations system to provide greater clarity about what the Government and the community expects from councils in relation to the RMA. Both the National Monitoring System and work planned on user experience will support the setting of performance expectations and provide the data by which performance can be tracked, ultimately driving better resource management outcomes.

## 2 The case for change

This section presents the case for change. It describes the existing approach to implementation information and its limitations and sets out the objectives and expected benefits of the proposed National Monitoring System.

### 2.1 Current RMA monitoring

The Minister for the Environment is responsible for monitoring the implementation and effectiveness of the RMA. Councils also have a duty to monitor their RMA functions and processes to ensure these are carried out effectively.

The Ministry for the Environment supports the Minister's monitoring responsibilities in a number of ways, including the two-yearly Survey of Local Authorities and various implementation surveys, periodic research reports, and *ad hoc* data requests to councils.

The Survey was introduced in 1995 and is the main source of national information about RMA implementation. A key purpose of the Survey is to inform policy processes, and monitor the effect of any changes. For example, time and cost data about resource consent processes from the 2007/08 Survey informed the development of the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Subsequently, the 2010/11 Survey questionnaire was modified and the Survey was delayed a year to help monitor how those changes were implemented by councils.

RMA monitoring information also helps track councils' practice and ensures accountability with their responsibilities. The information can inform Ministerial intervention, as well as Ministry initiatives, such as the development of good practice guidance. The information also enables each local authority to compare its performance with others and identify areas to improve, or where good practices can be shared. At the national level this information informs our understanding on the effectiveness of the RMA.

However, the current Survey has a number of limitations which hamper its effectiveness.

- ***Inadequate detail*** While current monitoring provides a rich source of information about RMA administration, trends and practice, this information lacks depth of detail. As a consequence, it lacks the context necessary to reveal factors that influence and affect the RMA's implementation and effectiveness nationally, regionally and locally. For example, while the Survey identifies the number of plan changes and consents completed in one year, it does not identify how long those processes have taken from start to finish, or provide any context about their size or complexity, or the resources required. The absence of such information prevents a full understanding of what it takes councils to manage and implement these processes and national tools, and the impact it has on councils.
- ***Lack of specificity*** Limited information is gathered about the nature of resource consents administered by local authorities, other than the high-level categories of 'land use', 'subdivision', 'coastal' and 'discharges'. Greater detail about the nature or type of consents within these categories would provide a clearer picture of how activities are addressed through the planning system across the country.

- **Timeliness** The two-yearly cycle restricts the availability and timeliness of information, which limits the ability to identify issues early or adequately track the impact of changes to the RMA.
- **Lack of national comparability** No national framework is in place to coordinate the two-yearly Survey of Local Authorities with other monitoring activities (surveys and *ad hoc* data requests) to provide a national picture of how effectively the RMA is implemented. This is particularly important as the majority of the RMA's implementation responsibilities are devolved to councils. In the absence of clarity about what national information is needed, each council's RMA monitoring systems have been designed to primarily meet local and regional needs and functions. When councils are then required to provide information over and above their own needs, to meet national needs, they can incur unplanned costs with insufficient resources to respond.

What this means overall is that, while the Survey has generated useful information that has been used to shape and monitor policy, it is difficult to capture comparable timely information at the level of detail required to adequately assess whether the Act's tools and processes are being implemented effectively and delivering the intended results.

## 2.2 Objectives of the proposed approach

The objectives of the proposed approach to RMA implementation information are to:

- develop a clear and transparent national monitoring system that can provide:
  - robust information on the implementation of the RMA
  - information on the implementation and effectiveness of national tools – eg, national environmental standards and national policy statements
  - information to produce a coherent and considered picture of the outcomes from the functions, tools and processes of the RMA
- improve the availability, consistency and comparability of RMA information
- streamline the collection of RMA information to achieve efficiencies.

## 2.3 Benefits of the proposed approach

The proposed National Monitoring System will deliver benefits to central and local government and ultimately the public of New Zealand. These include:

### ***Better quality information about the implementation of the RMA leading to:***

- policy development by central government, including the development of national tools and supporting measures, which is grounded in evidence about performance of the RMA on the ground
- greater accountability at central and local levels for performance of their functions under the RMA
- council practice which is informed by an understanding of their performance in a wider context.

***Increased clarity and certainty:***

- greater certainty for councils on what, why, when and how nationally required information will be collected, organised and used
- assurance to local and central government, as well as the public, that there is a robust approach to monitoring RMA responsibilities.

***Greater efficiency for councils:***

- reduced handling and reporting of RMA monitoring data through improved connection and alignment with existing monitoring systems
- improvements through the identification and sharing of good systems, tools and processes.



## 3 Background

### 3.1 Project approach

Development of the proposed National Monitoring System has been a collaborative effort drawing on agencies from local and central government.

The Ministry for the Environment is leading the work, supported by a steering group of eight people, from regional, unitary and district councils and Local Government New Zealand, providing strategic advice on the project and its deliverables.

Three other groups provide input into the work and help shape its deliverables:

- Council Technical Working Group: eight officers from across regional, unitary and district councils with experience in developing plans, consenting, enforcement and compliance, monitoring, and environmental monitoring
- Government Department Group: officials from central agencies with RMA responsibilities and functions, and others with associated roles or interests
- Ministry Project Team: representatives from relevant teams within the Ministry for the Environment.

The Ministry has taken a three-stage approach to developing the National Monitoring System.

#### Stage one: scoping

In stage one (late 2011 to July 2012) we undertook scoping studies to gain a better understanding of what happens now, what needs to happen, and what should be considered when designing, developing and implementing the National Monitoring System including:

- Needs analysis – what are potential national monitoring needs under the RMA?
- Stocktake – what monitoring is currently done?
- Case studies – how do other national monitoring frameworks work, and what lessons can we learn from them?
- Gap analysis – what gaps, challenges and opportunities are there to achieving an integrated national monitoring framework for the RMA?

Further detail of the findings can be found on the Ministry's website at: [www.mfe.govt.nz/rma/central/monitoring-review-project.html](http://www.mfe.govt.nz/rma/central/monitoring-review-project.html).

#### Stage two: design and development

Stage two is currently underway, and involves designing, developing and consulting on the proposed National Monitoring System. Feedback is sought on the work to date, described in section 4 and Part B of this document. Stage two is expected to be complete in summer 2013.

## **Stage three: implementation**

The proposed implementation programme for the National Monitoring System will be informed by the consultation in stage two. Further details of the proposed implementation are set out in section 4.3 and include short- and long-term elements including the development of tools, standards and pilots. A formal review process will also be developed to ensure the National Monitoring System remains relevant, effective and sustainable.

## **3.2 Links to other initiatives**

### **Phase 2 of the RMA reforms and changes to freshwater management**

The Government is introducing wide-ranging changes to the resource management system and to freshwater management in New Zealand. Information gathered through the National Monitoring System and the proposals around improved performance monitoring for councils, including a potential user experience survey, will support these reforms by providing a benchmark to enable initiatives to be monitored over time and evaluated. This includes council service performance and the use of any new national tools, such as national environmental standards and national policy statements.

We will periodically review information needs to ensure the information gathered through the National Monitoring System evolves in line with policy developments.

### **The New Zealand Coastal Policy Statement**

The National Monitoring System is initially focused on monitoring functions, processes and tools within the RMA for which the Minister for the Environment is responsible. However, the RMA generates accountabilities for other Ministers as well: under Section 28, the Minister of Conservation is responsible for monitoring the implementation and effect of the New Zealand Coastal Policy Statement (NZCPS) as well as coastal permits for restricted coastal activities.

Monitoring the NZCPS is being considered as part of the Department of Conservation's monitoring design project. The proposed National Monitoring System for the RMA therefore currently excludes the NZCPS; however, integrating RMA and NZCPS monitoring will be important later in the project.

### **Other government initiatives**

Other initiatives are under way to monitor local government performance and improve efficiency of local government processes. Some of these are central government-led, for example the Better Local Government Programme (BLG) which seeks to improve the performance of the local government system in order to enhance its positive contribution and minimise its negative effects on economic growth, and to enable better delivery of local public services. Phase one of the BLG programme ended in December 2012, when the Local Government Act 2002 (Amendment) Act 2012 was passed. The second phase is under way and has close links with the proposed resource management reforms; in particular the BLG work stream to develop a performance monitoring and improvement regime for local government.

Within the Ministry of Business, Innovation and Employment, the Geobuild project is another example where efficiencies and benefits are being sought by aligning interoperable sources of

locational information. A core component of the Geobuild project includes creating a national online building consent system that receives captures and allows consistent electronic processing of all building consent applications

Other initiatives, such as the Land and Water New Zealand website that reports collectively on regional council monitoring, are led by local authorities. The Integrated Regional Information System is another collaborative regional council project and aims to develop application software to support regional council administrative computing.

These initiatives (and potential links to the National Monitoring System) will be explored as work progresses through to implementation.

# 4 An overview of the proposed National Monitoring System for the RMA and its implementation

The proposed National Monitoring System for the RMA will be a transparent and coordinated system that establishes and manages:

- what information is needed for effective monitoring
- why it is needed – what it will tell us
- when and how it is best captured, held and shared.

This section provides an overview of the proposed National Monitoring System including:

- the principles that underpin its development
- what RMA functions, processes and tools are the initial priorities for monitoring, and why
- a broad overview of the implementation tasks and timeframes – the when and how.

## 4.1 Principles underpinning a National Monitoring System for the RMA

Six principles underpin the design and operation of the proposed National Monitoring System (table 1). They reflect key recommendations derived from the Case Studies developed during stage one of the Monitoring and Review Project.

Applying the principles will help ensure the National Monitoring System balances national information needs based on priority with practical considerations of the impact on councils. Applying the principles will also help ensure the National Monitoring System achieves the objectives and intended benefits outlined in 2.2.

**Table 1: Principles underpinning the design and operation of the proposed National Monitoring System for the RMA**

Principle	Explanation
<b>Integrated</b>	<p>The National Monitoring System will be designed to:</p> <ul style="list-style-type: none"> <li>• integrate national, regional and local monitoring and reporting of functions, tools and processes</li> <li>• be a clear fit with the national needs.</li> </ul> <p>Design and development will closely involve agencies with a role in the RMA.</p>
<b>Adaptive</b>	<p>The design process will:</p> <ul style="list-style-type: none"> <li>• enable innovation in monitoring systems and data gathering processes (ie, not be rigidly prescriptive) to meet current and emerging monitoring needs</li> <li>• provide timely feedback into policy processes</li> <li>• build on what is in place, and evaluate and learn to improve over time.</li> </ul>

Principle	Explanation
<b>Fit for purpose</b>	<p>The National Monitoring System will:</p> <ul style="list-style-type: none"> <li>do what it says it will do, and collect and use meaningful information (quantitative and qualitative) across processes and outcomes under the RMA</li> <li>be cost effective and efficient, balancing the costs and benefits with the need, use and collection of information</li> <li>provide feedback for continuous improvement.</li> </ul>
<b>Robust</b>	<p>The National Monitoring System will:</p> <ul style="list-style-type: none"> <li>be sustainable over time, and meet required quality and assurance needs by providing clear information standards and tolerances</li> <li>provide credible measures providing good trend and comparative information, while identifying and working to address known limitations over time.</li> </ul>
<b>Accessible</b>	<p>The National Monitoring System will:</p> <ul style="list-style-type: none"> <li>make information available to all users in a timely way</li> <li>provide information that is transparent and easily understood by a range of audiences</li> <li>make use of existing information where it is available, and enhance and develop it over time.</li> </ul>
<b>Understandable</b>	<p>The National Monitoring System will:</p> <ul style="list-style-type: none"> <li>be clear about what information is gathered and why, and the process for its collection</li> <li>provide context to avoid misinterpretation of information</li> <li>join science and policy to help tell the national RMA story</li> <li>build on what is already known and understood.</li> </ul>

## 4.2 Gathering information to tell a national RMA story

Overall, the information gathered by the proposed National Monitoring System will be used to better tell the story about how effectively the RMA is being implemented locally, regionally and nationally. As noted earlier, it will not monitor high-level environmental outcomes – work is underway in parallel to improve data and reporting of outcome information as part of the Ministry’s review of the environmental reporting framework.

The National Monitoring System also intends to make information capture more efficient, by integrating it with existing statutory processes and council processing systems.

The Monitoring and Review Project is investigating what inputs, processes and outputs the National Monitoring System will need so we can understand how consistently and effectively the RMA is being implemented and how the RMA’s functions, tools and processes are performing.

### Initial priorities

The [Needs Analysis](#) in stage one identified what information is needed to assess how effectively the RMA’s functions, processes and tools are being implemented, and to tell a national RMA story. Based on the Needs Analysis, it is proposed to gather information on:

- core RMA processes – such as plan changes, resource consents, monitoring and enforcement and national environmental standards / national policy statements implementation
- processes supported by the Ministry to develop national tools – including national environmental standards, national policy statements, water conservation orders, and

applications to become a requiring authority or heritage protection authority, and regulations

- Environmental Protection Authority-administered process for proposals of national significance.

It is also proposed that the National Monitoring System will utilise available information on Environment Court decisions and timeframes. This will come from the Ministry of Justice's Environment Court Registrar. Note that, while this includes information about the Court's RMA decision-making processes, it will not monitor the functions, efficiencies or effectiveness of judicial decision-making.

Part B of this document describes:

- the 10 initial RMA subjects and processes that will be monitored, when and how
- why those subjects and processes are considered important
- the value of the information.

## **Building on what we know**

The proposed National Monitoring System will cover the broad extent of what is already captured through the two-yearly Survey of Local Authorities. It will also include additional scope that has previously only been monitored through implementation surveys, periodic research, or *ad hoc* data requests.

While the National Monitoring System identifies the initial scope of ongoing national interest, its first iteration is intended as a starting point and will not include everything identified in the [Needs Analysis](#). The National Monitoring System will need to adapt to remain relevant and useful as new information emerges and/or needs change. A proposed process of formal review and improvement to achieve this is discussed in section 4.3.1.

## **A greater level of detail required**

A greater level of detail will need to be captured to provide better understanding of RMA processes. For example, along with the number of plan changes completed in any one financial year, information will be sought on the context driving each change, and its time and costs by stage. This will increase our understanding of the nature and full extent of the plan-making process.

To gather this richer information, each RMA process described in Part B is broken down into a number of themes (eg, timeframes, costs, decision-making) to identify relevant points of interest. An attempt has been made to align the information with key decision points that are already used in council systems and processes. The aim is to standardise the information gathered to promote efficient, regular and consistent data capture. Descriptive fields are also suggested, where relevant, to capture qualitative information to help explain context.

## **Making monitoring simpler and more efficient**

An attempt is being made to align and automate how monitoring information is captured and reported, to reduce the burden on councils.

For example, the implementation of national tools is achieved through the plan making and resource consent processes, so if aligned, information could be captured once to meet both areas of monitoring requirement. These overlaps can provide an opportunity for increased efficiency in how information is collected and used. Another example is the potential to gather information from the Ministry of Justice about appeals and other RMA matters dealt with by the Environment Court, rather than requesting this information from each council.

An automated system is proposed to simplify the task of uploading information for councils. A national database will be developed, linked to each council's system, and is described more fully in section 4.3.

It will not be possible to remove all requests for council input – in particular where qualitative feedback is required, such as on the availability and use of policies and procedures needed to support a national environmental standard or national policy statement. In these cases, the information will be identified within the National Monitoring System and captured through surveys or other means, at an appropriate frequency.

### **4.3 Implementing the proposed National Monitoring System for the RMA**

Successful implementation of the National Monitoring System will require adjustments to local, regional and national monitoring and reporting systems, and these will need careful consideration. Decisions on implementation will only be made when a full understanding of the costs of the new system are known.

To avoid significant implementation costs and potentially negative consequences for councils, we are planning a staged implementation process through to the end of the 2014/15 financial year.

We envisage three stages:

- developing standards
- developing tools
- rolling out automated reporting tools.

Further details of the stages and projects are outlined in figure 2 as part of the proposed implementation programme.

#### **Agreeing what information will be collected**

Initial implementation will build on the strengths of the existing two-yearly Survey of Local Authorities by continuing the collection of information under the National Monitoring System for the RMA. The first step is to agree the initial RMA subjects and processes, what information is needed for each one, and to the extent possible, the standards for reporting. The initial RMA subjects and processes and the proposed detail for monitoring are outlined in Part B of this document.

As explained in section 4.2, the information sought will be more detailed than at present. For example, the proposed National Monitoring System for the RMA will include a breakdown

of costs and timeframes for key stages in regional policy statement, plan change, and resource consent processes.

### **Timeframes – starting with priority information collection**

It is proposed to capture a set of priority information on regional policy statements and plan changes, resource consents, monitoring and compliance processes, notices or requirements and national environmental standard and national policy statement implementation for the period 1 January – 30 June 2014. This focuses on areas of information where standards are already established under the two-yearly Survey of Local Authorities or councils monitoring processes, and will establish the start of annual reporting information under the National Monitoring System.

Information standards will be developed for the remaining areas of monitoring and these will be incorporated into the National Monitoring System for capture in 2014/15. Where possible, information agreed at a later stage may be captured within the 2013/14 reporting year.

The goal is to have all councils reporting full, or close to full, data sets by the end of the 2014/15 financial year.

### **Collecting information**

How information is collected and reported will change in the short and long term. In the short term, councils will have the flexibility to manually submit information in raw data formats (MS Excel/Access or similar) or through a portal similar to the current online format for the two-yearly Survey of Local Authorities.

In the longer term, it is intended that information will be accessed automatically from each council's system. This will use the same information entered by councils into their systems to administer and manage the various processes, reducing the need to double handle or verify information.

By applying agreed standards, automated data collection will achieve two of the principles in table 1 – delivering data that is fit for purpose and robust. Automated reporting will also provide increased ability to view up-to-date information and will remove the need for manual collection and reporting. Automated collection will ultimately support information to be used for both trend and point in time analysis.

### **Information technology tools**

The development of long-term automated solutions will require information technology tools that build on existing local and national monitoring systems, processes and practices that work well. These tools will be developed and piloted to ensure they support an efficient, consistent and effective national approach.

## **4.3.1 Taking a progressive approach to implementation**

A progressive approach to implementation is planned to allow existing processes to be advanced in the short term, and newer and more unknown elements to be tested, developed and



agreed over a longer timeframe, to enable councils to change and/or adapt their monitoring systems and processes.

It is recognised that implementation may vary across regional, unitary and district councils, reflecting their different functions, responsibilities, monitoring systems, circumstances, resources, and opportunities. This may result in some aspects of the National Monitoring System being advanced along different timeframes in different councils.

Tables 2a–2c provide a high-level outline of the suggested implementation programme for the National Monitoring System, including areas of proposed priority. Short- and long-term options to achieve the objectives of the Monitoring and Review Project are identified. To build on existing systems and processes, the timing is synchronised with existing reporting requirements for the two-yearly Survey of Local Authorities, and uses the financial year ending 30 June as a baseline.

The timetables in tables 2a–2c are indicative and may change following feedback about the potential impact on councils and other stakeholders.

### **Testing assumptions**

Assumptions have been made about the capability of councils' data management systems, the availability of suitable data capture solutions, and the costs to develop and implement solutions across councils. These need to be considered and tested.

Further analysis and assessment of data collection options, including their costs and benefits, will be necessary and the results may rule out or delay some potential solutions and implementation proposals.

Feedback to the questions in section 5 of this document will help identify potential impacts and opportunities for implementation. This information will be used to refine the implementation programme that will define stage three of the Monitoring and Review Project.

### **Review and improvement**

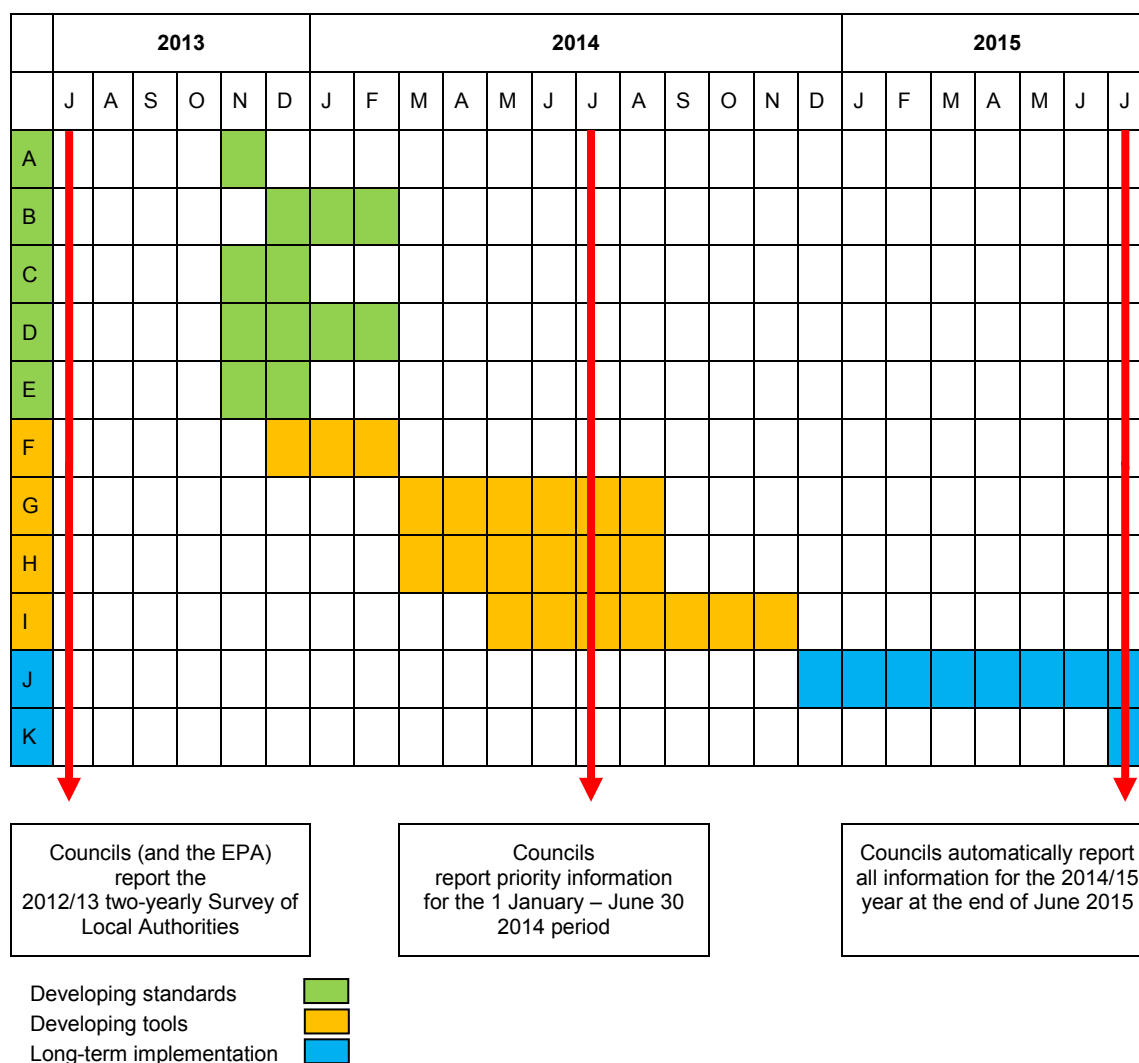
Two principles underpinning the development of the National Monitoring System are that it is 'fit for purpose' and 'adaptable', to ensure it continues to meet national monitoring needs.

Periodic reviews of and improvements to the National Monitoring System are proposed to ensure its objectives continue to be achieved. A formal review process will be established during the implementation phase (stage three) of the Monitoring and Review Project. It is likely that any review process will be undertaken as required to reflect changes ahead of a monitoring year.

These reviews will be transparent and consider the potential impacts of any proposed change that requires councils to modify their monitoring systems and processes.

A council reference group will be established to ensure impacts are identified and fully considered and ongoing collaboration between the Ministry, its Monitoring and Review Project partners and councils will be maintained.

**Figure 2: Proposed implementation outline for the National Monitoring System for the RMA**



**Proposed implementation programme**

**Table 2a: Developing standards: November 2013 – February 2014**

Ministry for the Environment and Monitoring and Review Project partners		Councils
A	Develop a national database of existing plan changes, reviews and section 35 reporting and iwi planning documents lodged, across all councils, from current sources and council websites.	
B	Develop and agree reporting protocols for ongoing updates to plan changes, reviews, section 35 reporting and iwi management plans.	Verify collected information. Agree protocols for updating information after the 2012/13 two-yearly Survey of Local Authorities submission.
C	Define information and data standards for reporting priority information for the period 1 January – 30 June 2014.	Capture and report information through email or website at the end of 2013/14.

Ministry for the Environment and Monitoring and Review Project partners		Councils
	<p>The initial focus of priority information is anticipated to focus on aspects including:</p> <ul style="list-style-type: none"> <li>regional policy statement and regional and district plan numbers, context, timeframes, costs and decision-making</li> <li>resource consents, numbers, timeframes, costs and decision-making</li> <li>complaints, monitoring and compliance – number and type of formal and informal action</li> <li>notices of requirement and outline of works – number, timeframes and costs</li> <li>national environmental standard / national policy statement information on plan and resource consent implementation.</li> </ul> <p>Part B contains highlighted information proposed to be captured as part of the priority information set.</p>	
D	<p>Develop standards for other/new areas of monitoring. If possible, incorporate agreed standards in the 2013/14 reporting.</p> <p>This is anticipated to include:</p> <ul style="list-style-type: none"> <li>categorisation/description of resource consents</li> <li>engagement, public participation, and submissions on plans and resource consents</li> <li>costs and resources across plan making, resource consent processing, and monitoring and compliance.</li> </ul>	Where possible, integrate new standards into monitoring systems and processes.
E	Work with the Ministry of Justice to capture Environment Court data about appeals information for 2012/13.	

**Table 2b: Developing tools: December 2013 – November 2014**

Ministry for the Environment and Monitoring and Review Project partners		Councils
F	Develop a website to hold and share plan change information.	
G	Scope and develop data capture tools for councils, Ministry of Justice (Environment Court) and the Environmental Protection Authority. This work will need to explore the need for different tools for different systems. Data capture will focus on agreed core areas first. This work may include short- and long-term tools.	Work with the Ministry for the Environment and its partners to inform development of data capture tools.
H	Develop a tool/database to capture and report monitoring data consistently and efficiently.	
I	Pilot database and capture tools with a selection of councils that have different systems representative of all councils.	Participate in pilots of the automatic reporting tools.

**Table 2c: Rolling out automated reporting tools: December 2014 – July 2015**

Ministry for the Environment and Monitoring and Review Project partners		Councils
J	Roll out data capture tools (short and if available long-term tools) to councils for use ahead of 2014/15 reporting.	Integrate tools into systems and reporting processes.
K	All councils to be uploading information automatically by the end of the 2014/15 monitoring year.	Report all National Monitoring System information automatically by the end of 2014/15.

## 5 Providing feedback on the proposal

To ensure the proposed National Monitoring System for the RMA and its implementation are both robust and practical, the Ministry for the Environment is seeking feedback on:

- the general approach to both the National Monitoring System and its implementation
- how well the monitoring proposed in Part B of this document will align with councils' existing monitoring and reporting functions, data and systems
- any new or additional work that will be required to capture the information identified in Part B.

We are seeking:

- general feedback from **all RMA implementers**, including councils, on the questions in section 5.1
- information from **each council** to questions in section 5.2 about existing computer systems and quality standards, and whether there is agreement on the proposed monitoring and reporting information being sought
- general feedback from **all RMA implementers** on all or any of the sections of the proposed National Monitoring System.

Broader comments than those suggested by the questions are welcome.

Your feedback will be used to inform stage three of the Monitoring and Review Project.

### Workshops for councils

We appreciate this is a detailed and technical document. To help councils understand the proposals we will run workshops across the country to present the proposed National Monitoring System and discuss its proposed implementation in more detail. Providing this early in the consultation process is intended to help support feedback on the detailed proposals.

### Providing feedback

There are two ways you can provide your feedback:

- Use our online consultation tool or template available at [www.nms.mfe.govt.nz](http://www.nms.mfe.govt.nz).
- Prepare your feedback in a separate document.

If you are sending your feedback as a separate document please email it to [nms@mfe.govt.nz](mailto:nms@mfe.govt.nz).

**Your feedback must be received by the Ministry for the Environment no later than 5.00pm 30 August 2013.**

The Ministry will analyse the feedback and seek further clarification where this is required.

## Contact for queries

Please direct any queries to Michael Lovett, Manager, Monitoring Evaluation Review and Compliance:

**Phone:** 04 439 7490  
**Email:** [nms@mfe.govt.nz](mailto:nms@mfe.govt.nz)

## Publishing and releasing submissions

The Ministry may publish all or part of any written feedback on its website, [www.mfe.govt.nz](http://www.mfe.govt.nz). Unless you clearly specify otherwise in your feedback, the Ministry would consider that you have consented to website posting.

Contents of feedback provided to the Ministry may have to be released to the public under the Official Information Act 1982 following request to the Ministry (including by email). Please advise if you have any objection to the release of any information contained in your feedback, and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. The Ministry would take into account all such objections when responding to requests for copies of, and information on, feedback to this document under the Official Information Act.

The Privacy Act 1993 establishes certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of providing feedback would be used by the Ministry only in conjunction with the matters covered by this document. Please clearly indicate in your feedback if you do not wish your name to be included in any summary of feedback that the Ministry may publish.

## 5.1 General questions

1. Is there merit to develop a nationally consistent monitoring system for the RMA?
2. Has the right information been identified to help tell the story around the implementation of the functions, processes and tools of the RMA?
3. Are there additional barriers or challenges to the proposed National Monitoring System for the RMA that have not yet been identified?
4. What type of support or systems do you think will be required to implement the proposed National Monitoring System for the RMA?
5. What might a national user satisfaction survey for the RMA look like, what would it cover, and what costs or benefits would it create for your organisation?

## 5.2 Questions for individual councils

6. The stage one [Stocktake](#) identified computer systems used by councils to capture, monitor and report all or some parts of the RMA. For each function in the table below, please outline what system or format your council currently uses to record RMA related information.

**Record of the computer systems used by councils to gather, monitor and report**

Function	System							
	MS Word	MS Excel	MS Access	Tech 1	Civica	NCS	Pathway	Other – please name
Regional policy statements and regional and district plans								
Resource consents								
Complaints								
Enforcement								
Monitoring								
Finance								
Other – please describe								

7. Does your council have data management standards for collecting information across any of the above functions? Are the standards shared with any other council?
8. What are the strengths and weaknesses of your systems to collect RMA information? How interoperable is your data with other systems you use? For example, finance, resource consent processing, plan making, monitoring, compliance and enforcement.
9. How easily can annual cost and resource information for plan changes, resource consents and monitoring and compliance activities be captured from existing finance systems? Does the format included in Part B align with how you report this information? If not, is there a better way?
10. A ‘sub’ categorisation of resource consents is proposed to help provide a better national picture of the nature and type of resource consents processed by councils, including those relating to national environmental standard and national policy statement implementation. Is there a standard list of categories that can achieve this without being too complex and onerous to monitor and report against? If so, what would it include?
11. Has the right information been identified to help tell the story around the implementation of the functions, processes and tools of the RMA? If not, what is missing or should be removed?
12. Are you able to report the ‘priority’ information identified in Part B at the end of the 2013/14 monitoring year? What additional cost or capacity would this require to report?
13. What additional costs or capacity would be required to capture and report all the information proposed by 2014/15?
14. What benefits or opportunities could improved RMA monitoring (standards and tools) provide you?
15. Does your council conduct user satisfaction surveys specific to RMA processes? If yes, please describe the drivers for the survey/s, their frequency and format, and how you use the results to improve the RMA user experience in your area.

# Part B: Details of the proposed monitoring system: what, why, when and how

To help identify and understand the short- and long-term proposals for information collection across each section of Part B, information proposed for collection has been shaded into different colours. Categorising the information is intended to help inform the discussion around the collection of short-term priority information and the longer-term collection of all information proposed and the capability and costs to achieve this.

	Priority information proposed to be captured in the short term – for the period 1 January – 30 June 2014
	Priority information proposed to be captured centrally rather than from each council – for the period 1 January – 30 June 2014
	Other information proposed for capture in the 2014/15 monitoring year along with the above priority information.

Not all information in Part B will be reported by all councils. A high level outline of what information is proposed to be sought from who is outlined below. This includes information proposed to be captured from the Ministry for the Environment, Ministry of Justice, Environmental Protection Authority and requiring and heritage protection authorities.

Proposed monitoring area	Proposed information source
Regional policy statements and regional and district plans (section 6)	All councils Ministry of Justice – Environment Court Registrar – information on appeals
Resource consents (including direct referrals) (sections 7 and 12)	All councils Ministry of Justice – Environment Court Registrar – information on appeals and direct referrals
Complaints monitoring compliance and enforcement (section 8)	All councils Ministry of Justice – Information on prosecution outcomes
Environmental Protection Authority (section 9)	Environmental Protection Authority
Designations and heritage orders (sections 10 and 11)	Ministry for the Environment – information on processing requiring authority and heritage authority applications Territorial authorities – information on processing notices of requirement, outline plans and heritage orders Requiring authorities – information on use of land subject to designation/heritage order Ministry of Justice – Environment Court Registrar – information on appeals and orders to take land Land Information New Zealand – information on compulsory acquisition
Water conservation orders (section 13)	Ministry for the Environment – information on processing applications for water conservation orders Regional councils – information on resource consents relating to an area covered by a water conservation order
NES and NPS development (section 14)	Ministry for the Environment – information on the development of NESs and NPSs

<b>Proposed monitoring area</b>	<b>Proposed information source</b>
National Policy Statement on Renewable Energy Generation 2011 (section 15.1)	All councils
National Policy Statement on Electricity Transmission 2008 (section 15.2)	All councils and Transpower
National Policy Statement for Freshwater Management 2011 (section 15.3)	Regional councils – relating to plan making
Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (section 15.4)	Regional councils – relating to metered takes
Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (section 15.5)	Territorial authorities – relating to any relevant plan changes and resource consent decisions
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (section 15.6)	Territorial authorities – relating to any relevant plan changes and resource consent decisions
Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (section 15.7)	All councils and Transpower
Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (section 15.8)	Regional councils – territorial authorities for any consent condition requiring notification where an event occurring could affect drinking water
Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (section 15.9)	Regional councils – territorial authorities for building consent information on wood burner installations/removals



## 6 Plan making: Regional policy statements and regional and district plans

**Context: Why do we need information on plan making?**

Under the RMA, regional policy statements and regional and district plans form a key part of the planning framework. Regional policy statements and regional and district plans identify issues and establish objectives and environmental outcomes that policies, rules or other methods then seek to achieve. This includes establishing whether a resource consent will be required for particular activities, and the relevant considerations when assessing and managing the environmental effects of those activities. While regional policy statements, regional coastal plans, and district plans are mandatory under the RMA, other regional plans are optional and may be prepared by regional councils and unitary authorities to help them carry out their functions under the RMA.

The process to establish and review regional policy statements and regional and district plans is prescribed under the RMA. This process provides for a high level of public participation from flexible arrangements for early engagement for the initial preparation of a plan, through to formal submission and hearing processes once a plan is notified. This public notification and submission process recognises the importance of the plans to promote community and environmental outcomes, but also their potential impacts on private property rights and investment decisions.

The need to change policy statements or plans can come about through the requirement to review provisions within 10 years, to address new issues, or to be consistent with or to give effect to a national environmental standard (NES) or national policy statement (NPS). Changes typically follow the RMA's Schedule 1 process, unless directed otherwise through the Act or an NPS.

Persistent concerns about policy statement and plan processes include the time and cost to prepare and change them, and proceed through the formal process before they become operative. Other concerns are the lack of early engagement by parties during the early stages of plan preparation, with a continued focus on litigation and appeals through the formal process.

A number of changes have been made to the RMA to amend policy statement and plan change processes, with the most recent in 2009, which sought to further simplify and streamline this process. The importance of regional policy statements and regional and district plans in achieving the purpose of the RMA, combined with the persistent concerns with the Schedule 1 process, creates a need to better monitor the whole plan-making process (and its context) on an ongoing basis to:

- ensure the plan-making process is effective in achieving its objectives, and these are achieved as efficiently as possible
- capture the impact of amendments to the processes on preparing and reviewing regional policy statements and regional and district plans
- monitor the implementation of national tools, including NPS and NES
- identify areas where further support or improvements may be needed to help improve plan-making processes
- support the development of better, more informed monitoring, reporting and policy development.

<p><b>What information is needed?</b></p>	<p>The following national-level information is needed to provide the context described above:</p> <ul style="list-style-type: none"> <li>• drivers, subject matter, scope and type of policy statement and plans, and associated changes</li> <li>• timeframes for the key stages of the plan-making process, from background research and scoping through to the operative date</li> <li>• costs and resourcing (effort) for the process, including the costs of key stages</li> <li>• types, form and levels of engagement and decision-making throughout the process</li> <li>• short-term and long-term reporting on the monitoring of plan effectiveness.</li> </ul>
<p><b>How will this information be captured?</b></p>	<p><b>Short-term approach:</b> Using information from notifications to the Minister, the two-yearly Survey of Local Authorities, information on council websites, and previous research studies, establish a plans database with a baseline of information covering:</p> <ul style="list-style-type: none"> <li>• policy statement and plan changes</li> <li>• plan reviews</li> <li>• plan effectiveness reporting and</li> <li>• iwi planning documents lodged with local authorities.</li> </ul> <p>Provide a means for councils to update or verify the information, including proposed priority information at the end of the 2013/14 monitoring year.</p> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that will enable data to be uploaded automatically from councils' systems, along with information from the Ministry of Justice (Environment Court) on appeals.</p>

## 6.1 Proposed monitoring information

### A: Reviewing and reporting efficiency and effectiveness monitoring of regional policy statements and regional and district plans

Information on the review of plan provisions and reporting on monitoring of plan effectiveness will help provide a more detailed picture of the plan management processes.

Operative plan		10 year review date		5 year efficiency and effectiveness reporting		s 35(2)(b) reports and findings	
Name	Operative date (in part or full)	Date due by	Date review started/ notified	Extent of review (ie, provisions, parts of the plan or full review)	Did it lead to a plan change? yes/no	Date report published Plan coverage	Description – links to drivers in context

### B: Context

The context of plan changes is important to help identify the scale and complexity of work and its link to drivers, such as national tools.

Plan change name	Type	Combined plan (if applicable)	Scope	Subject matter (if not full plan change)	Driver	Which NES/NPS/WCO is being given effect to (if relevant)	Description
Description of plan change, review or variation	Local authority or Private plan change (private plan change adopted by council)	RPS/RP RPS/RP/DP RP/DP	Full review/ plan change/ variation	Area of coverage eg, residential, biodiversity, energy etc	Give effect to NPS/NES/WCO using Schedule 1 Give effect to NPS/NES without Schedule 1 (notified) Gives effect to NPS already Section 35 monitoring identified issue for change From s79 review New issue emerged Revised to give effect to RPS/RP Other (describe)	NES Air Quality NES Sources of Human Drinking Water NES Telecommunications Facilities NES Electricity Transmission NES Assessing and Managing Contaminants in Soil to Protect Human Health NPS Electricity Transmission NPS Renewable Electricity Generation NPS Freshwater Management Water conservation order	Explanation of any additional context

## C: Timeframes

This section captures information on the whole plan-making process to provide a better understanding of the time taken for each stage of the process.

Background research/ issue scoping (if relevant)	Plan change initiated/ committed	Notification of proposed plan	Notification of summary of submissions	Further submissions	Mediation or pre-hearing meeting	Hearing period	Decisions notified	Appeals	Date plan operative	Use of section 37	Total time
Start date	Date	Start date	Start date	Start date	Start date	Start date	Date	Date appeal lodged	Date in part	Yes/no, if yes change of dates	Actual days
Close date		Close date	Close date	Close date	Close date	Close date Hearing days		Date of appeal decision	Date in full Date if withdrawn earlier		

## D: Consultation and decision-making

This information provides context for engagement and decisions during a plan change process, including potential links to the nature, type and outcomes of any appeals.

Pre-draft consultation or other form of engagement	Notification consultation	Submissions	Further submissions	Mediation or pre-hearing meeting	Operative date change	Decision-makers	Appeals
Type of engagement, who, numbers – use of earlier engagement (clause 3C), engagement with iwi (clause 3B)	Approach, type, audience, numbers	For and against, those wishing to be heard Relating to Section 32A Type (individual, group, government agency, business, iwi) Discounted submissions (trade competition/frivolous and vexatious)		Number of mediation/pre-hearing meetings Number of issues resolved or submissions withdrawn	Council Order under s86D for rules to apply early Council resolution under s86B to delay rules coming into effect	Full council, committee, other	Number Appellant type (individual, group, government agency, business, iwi), respondent, date appealed, nature of appeal, decision outcome

## E: Costs and resources (effort)

Capturing better information on the resources and costs of plan changes will provide a better understanding of the costs, time and resources for plan changes of all types, including those giving effect to national tools. It is proposed to capture information at key stages of the process to provide a total picture of plan-making, which typically spans more than one financial year.

Review of plan or background research/ issue scoping (if relevant)	Start of plan change process to notification of proposed plan (issues to options)	Notification to decisions notification	Appeals process to operative	Iwi participation	Total
\$\$ FTE	\$\$ FTE	\$\$ FTE	\$\$ FTE	Budgetary commitment to tangata whenua plan making – yes/no, and what shape or form did it take?	\$\$ FTE

## F: Iwi planning documents

When preparing plan changes, councils are required to take account of any planning documents recognised by an iwi authority and lodged with them. Knowing where iwi management plans, plans for customary title areas and other documents have been prepared and what they address provides useful context. Those documents might also identify issues and expectations of iwi involvement for engagement during the development of plans.

Document name	Iwi authority	Date lodged	Coverage	Coverage
Name (iwi management plan/customary title area plan)	Name	Date	Iwi/hapū area and council area	Specific issues for consideration and geographic coverage

## 7 Resource consents

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**Context: Why do we need information on resource consents?**

The resource consent process provides the means to assess and manage the environmental effects of proposed activities within the planning framework provided by the RMA, regional policy statements and regional and district plans. Regional and district plans establish rules that determine whether a resource consent will be required for particular activities, and the relevant considerations when assessing and managing the environmental effects of those activities.

The process to consider and make decisions on resource consents is prescribed under the RMA, but leaves plenty of discretion about its administration and implementation. This process balances the need for accurate information on actual and potential environmental effects and public participation, with a desire to provide certainty and efficiency for resource users. There are around 50,000 resource consents processed annually, and the types of activities that require consent vary significantly in their nature, the scale and significance of their environmental effects, and the associated timeframes and costs they incur throughout the process.

The resource consent process is subject to ongoing criticism about excessive compliance costs and delays, and also a lack of public participation and poor environmental outcomes. While much of this criticism is anecdotal in nature, there is also evidence of significant uncertainty in the resource consent process, along with delays and costs. A number of amendments to the RMA have sought to streamline the process, including those in the Resource Management (Simplifying and Streamlining) Amendment Act 2009, which restricted the use of further information requests and introduced discount regulations for late consent processing.

However, despite recent amendments, concerns persist about the time, costs, certainty and overall efficiency of the process. Monitoring is therefore essential to determine if the balance is right and where improvements may be needed, and the impact of any subsequent changes.

The two-yearly Survey of Local Authorities currently captures high-level information on resource consent timeframes, charges and administration. However, it does not provide sufficient detail and contextual information to adequately understand the time and costs involved in processing the wide variety of resource consent activities, nor the quality and robustness of those processes. This understanding is required to fully validate or address the concerns described above.

To enable this, there is a need to better understand the resource consent process (and its context) on an ongoing basis to:

- ensure the resource consent process is operating in an efficient manner and achieving its objectives
  - capture the impact of amendments to resource consent processes (implementation and effectiveness)
  - identify areas where support or improvements may be needed to improve resource consent processes
  - support the development of better, more informed national monitoring, reporting and policy development.
-

<b>What information is needed?</b>	<p>The following national-level information is needed to provide the context and deliver the understandings described above. In particular, a method is needed to link the variables to better understand the relationships between the type, quality and robustness of processes, and the associated costs, time and outcomes:</p> <ul style="list-style-type: none"> <li>• context – the type, nature and scale of activities requiring resource consents</li> <li>• timeframes for the key stages of resource consent process, including any inefficiencies</li> <li>• costs and resourcing (effort) required for key stages and requirements of the resource consent process</li> <li>• consultation and decision-making – the types, form and levels of consultation and decision-making throughout the process</li> <li>• quality/robustness of the implementation process, including the use of specific procedures and tools.</li> </ul>
<b>How will this information be captured?</b>	<p><b>Short-term approach:</b> Capture the proposed priority information at the end of the 2013/14 monitoring year, including:</p> <ul style="list-style-type: none"> <li>• consent processing information – number, type, use of section 37, etc</li> <li>• timeframes – statutory timeframes for notified, limited notified, non-notified resource consents, discounted applications, etc</li> <li>• decision-making – number granted, declined, objections, etc</li> <li>• costs – also including the total costs of each resource consent.</li> </ul> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that will enable data to be uploaded automatically from councils' systems, along with information from the Ministry of Justice (Environment Court) on appeals.</p>

## 7.1 Proposed monitoring information

### A: Context

It is proposed to capture a greater level of detail on the nature of resource consents and their level of complexity. This will allow for better understanding of the relationship between the nature, type and scale of the consent, along with the time and cost of the process, and provide a link through to more activity-specific NES/NPS/WCO monitoring.

Type of resource consent	Type of application	Consent sub-type	Activity category	Which NES/NPS/WCO is being given effect to (if relevant)	Consent complexity	Bundled
Land use River and lake beds Subdivision	Section 88 Section 127 change or cancellation of consent condition	<b>Land-use</b> ...residential, rural, commercial, vegetation removal, network utilities, earthworks, heritage, renewable energy generation, 'other', etc...	Permitted (certificate of compliance) Controlled Restricted	NES Air Quality NES Sources of Human Drinking Water	Number of rules breached (or simple – complex)	Yes/no Regional/ district

Type of resource consent	Type of application	Consent sub-type	Activity category	Which NES/NPS/WCO is being given effect to (if relevant)	Consent complexity	Bundled
Coastal Water Discharge	Certificates of Compliance section 139	<p><b>Use of Beds of lakes or River</b> structure, disturb bed, introduce plants, deposit, reclaim – plants habitats of plants, habitats of animals</p> <p><b>Subdivision</b> residential, rural, size</p> <p><b>Coastal</b> occupation, disturbance, reclamation</p> <p><b>Water</b> take, use, dam, divert, or energy from open coastal water</p> <p><b>Discharge</b> to air, water, land that may enter water</p>	discretionary Discretionary Non-complying	<p>NES Telecommunications Facilities</p> <p>NES Electricity Transmission</p> <p>NES Assessing and Managing Contaminants in Soil to Protect Human Health</p> <p>NPS Electricity Transmission</p> <p>NPS Renewable Electricity Generation</p> <p>NPS Freshwater Management</p> <p>Water conservation order</p>	Direct referral	

## B: Timeframes

This section captures the timeframes of the whole resource consent process to allow better understanding of the time taken at each stage (actual and statutory days). This sequence identifies specific components of the resource consent process – some may or may not be initiated through the process (section 92, notification, etc).

From lodgement to formal acceptance	Further information request	Notification decision (if relevant)	Post-submission further information request	Pre-hearing – mediation	Hearings	Decision	Notice of extension – Section 37	Appeals	Total time
<p>Date lodged</p> <p>Date returned under s88(3)</p> <p>Date formally accepted</p>	<p>Information request 92(1)/ 92(2)</p> <p>Date notified</p> <p>Date decision/ information provided (92(1))</p> <p>Date refused/agreed (92(2))</p>	<p>Date notified</p> <p>Date submissions close</p> <p>Notified under section 95C (2) and (3)</p>	<p>Information request 92(1) / 92(2)</p> <p>Date notified</p> <p>Date decision / information provided (92(1))</p> <p>Date refused/agreed (92(2))</p>	<p>Start date</p> <p>Close date</p>	<p>Start date</p> <p>Close date</p> <p>Adjournment date</p> <p>Hearing days</p>	<p>Date</p> <p>Granted, declined, withdrawn</p>	<p>Date of notice</p> <p>Special circumstances or applicant agreement</p> <p>Length of extension</p> <ul style="list-style-type: none"> <li>Up to twice</li> <li>More than twice</li> </ul>	<p>Date appeal lodged</p> <p>Date of appeal decision</p>	<p>At point of decision:</p> <ul style="list-style-type: none"> <li>actual days</li> <li>statutory days</li> </ul> <p>Actual days to date of appeal decision</p>



## C: Costs and resources (effort)

This section provides more robust data on the costs associated with different stages of the resource consent process, such as notification, commissioned specialist reports and in-house advice.

Deposit processing fees	Specialist reports, hearings and appeal costs	Processing charges	Discount regulations (for resource consents and change or cancellation of consent conditions)
Deposit charged for consent type	Cost of any reports commissioned through section 92 Costs of specialist in-house advice Hearing costs Costs from appeal processes (including FTE)	Total charge Total processing hours	Discount regulation imposed (yes/no) Amount Number of days exceeded

### *Costs and resourcing for annual collection*

The following information is to establish the annual budget and resources needed to deliver resource consent processes. Alongside other information on the numbers, size and nature of resource consents, this will provide a more accurate picture of the context each local authority operates within.

FTE for resource consent processing	Iwi participation	Annual revenue from resource consents
Senior planners Planners Scientists Planning technicians Other Total FTE	Budget for tangata whenua advice on resource consents (amount)	Total revenue from resource consent applications

## D: Consultation and decision-making

This section provides information on the use and robustness of consultation and decision-making, as well as a means to identify relationships between the nature and type of the application and the processes used. It will also provide a better understanding of the parties involved in the resource consent process – general categories will be used to classify types of parties and submitters (individual, group, government agency, business, iwi). The information gathered may also provide a means to link the process to the occurrence and nature of appeals.

Pre-application consultation	Notification	Māori participation	Submissions	Decision-making	Appeals and objections
<p>Pre-application meeting with local authority (Yes/no)</p> <p>Was any consultation reported in the application (Yes/no)</p>	<p>Non-notified</p> <p>Limited notified</p> <p>Notified</p>	<p>Cultural impact assessment commissioned</p> <p>Conditions proposed</p> <p>Consultation undertaken with iwi</p>	<ul style="list-style-type: none"> <li>Number</li> <li>Type (individual, group, government agency, business, iwi)</li> <li>For and against</li> <li>To be heard</li> <li>Trade competition</li> <li>Frivolous and vexatious</li> </ul>	<p>Decision-maker:</p> <ul style="list-style-type: none"> <li>Local authority officer</li> <li>Councillors acting as commissioners</li> <li>Councillors as part of a hearing panel</li> <li>Independent commissioner</li> <li>Independent commissioner requested under section 100A</li> <li>Other (eg, mixed panel of councillors / commissioners)</li> <li>Accredited</li> <li>Number on panels</li> </ul>	<p>For both s120 and 358 appeals and s357 objections</p> <ul style="list-style-type: none"> <li>Number and type</li> <li>Nature of appeal</li> <li>Decision outcomes</li> </ul>

## E: Other related resource consent activities

In addition to processing consents, resource consent management includes the review and lapse of consents. Collecting this information is useful to establish the nature and extent of these activities as part of the whole resource consent management processes.

Type of consent/application	Section 128 review of consent conditions	Surrender of consents section 138	Transfer of consent section 137	Cancelled consents section 126	Lapsed consents section 125
<p>Land use</p> <p>River and lake beds</p> <p>Subdivision</p> <p>Coastal</p> <p>Water</p> <p>Discharge</p>	Number	Number	Number	Number	Number

## F: Quality of process (captured for context annually or two-yearly)

Information about this sequence provides a measure of the quality of the resource consent process based on the internal procedures used. This will help contextualise timeframes, costs and appeals, and also provide an indication of the nature and robustness of the process.

Consent processing	Māori participation	Conditions and monitoring
Set procedures for: <ul style="list-style-type: none"> <li>• Assessment of environmental effects</li> <li>• Notification assessment</li> <li>• Affected parties</li> <li>• Section 92 requests</li> <li>• Use of section 37</li> </ul>	Pre-application advice on: <ul style="list-style-type: none"> <li>• When iwi may be affected</li> <li>• When cultural impact assessments may be appropriate</li> <li>• How to consult with tangata whenua</li> </ul> Internal procedures for: <ul style="list-style-type: none"> <li>• Determining when iwi may be affected</li> <li>• When cultural impact assessments is required</li> <li>• Recognising tikanga Māori</li> <li>• Capacity building</li> </ul>	Use of standard conditions Procedures for developing and imposing appropriate consent conditions Applicant survey of costs/services

## 8 Complaints, monitoring, compliance and enforcement

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**Context: Why do we need information on compliance and enforcement?**

The RMA provides the framework to manage natural and physical resources with a focus on avoiding, remedying and mitigating adverse environmental effects. Under the RMA, local authorities have a duty to monitor activities and their effects to determine compliance with the RMA, relevant plan provisions and consent conditions. To encourage compliance with the Act and penalise offences, a number of enforcement mechanisms are available to local authorities, and their use varies according to the individual circumstances surrounding the type of offence. Mechanisms include abatement notices, enforcement orders, infringement notices, and prosecutions. Action may also be taken through noise directions, water shortage, and emergency works provisions of the RMA, or by applying to the Environment Court for a declaration to clarify a matter.

The two-yearly Survey of Local Authorities has demonstrated that local authorities consistently receive more than 100,000 complaints per year and that approximately 30 per cent of monitored resource consents are non-compliant. These complaints have often been dealt with by informal means, but more serious offences are being increasingly resolved through formal enforcement methods, such as infringement notices and prosecution. Given an increasing public awareness of impacts on the environment, coupled with consistent complaints about amenity issues such as noise and air quality, there is growing pressure on the RMA and local authorities to more effectively address non-compliance and penalise offenders to improve environmental outcomes.

Recent amendments to the RMA sought to improve enforcement by providing a greater incentive to comply, address technical implementation issues, and ensure the Crown was no longer exempt from enforcement under the RMA. The amendments raised the maximum fine for offences substantially (from \$200,000 to \$300,000 for a natural person, and from \$200,000 to \$600,000 for a non-natural person) to encourage greater adherence of the RMA and to enable the courts to punish and deter serious offences through higher penalties.

The two-yearly Survey of Local Authorities currently captures data on the monitoring responsibilities, compliance monitoring, complaints, enforcement decision-making, and resourcing of compliance and enforcement activities. However, it does not capture information on the types of penalties imposed,<sup>1</sup> or provide sufficient contextual information to evaluate the implementation effectiveness of the RMA's compliance and enforcement mechanisms.

There is a need to better understand the use and effectiveness of the RMA's compliance and enforcement provisions – and the context in which they are used – on an ongoing basis to:

- understand the types of complaints and non-compliance, and the processes (informal and formal) and resources local authorities are using to respond
- ensure the compliance and enforcement mechanisms under the RMA are being used in an appropriate and consistent manner to achieve their objectives and promote the Act's purpose

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<sup>1</sup> Information on the use of prosecutions and infringement notices has been captured through periodic reports commissioned by the Ministry for the Environment. While these reports provide valuable information, they do not give the regular, consistent reporting sought by the Monitoring and Review Project.

	<ul style="list-style-type: none"> <li>• understand the effectiveness of the RMA's compliance and enforcement provisions to encourage compliance, penalise offences, and achieve the purpose of the Act</li> <li>• identify areas where support or improvements may be needed to improve the compliance and enforcement provisions</li> <li>• support the development of better, more informed national monitoring, reporting and policy development.</li> </ul>
<b>What information is needed?</b>	<p>The following national-level information is needed to better understand the context and achieve the purposes described above:</p> <ul style="list-style-type: none"> <li>• resourcing and processes – the resources, processes and mechanisms used to monitor, encourage and enforce compliance</li> <li>• complaints and non-compliance – the frequency and nature of complaints, and the response and outcomes</li> <li>• enforcement activity and decision-making – how the enforcement provisions in the RMA are being used, and their effectiveness</li> <li>• effectiveness and outcomes of enforcement – the outcomes of enforcement and extent to which compliance and enforcement is targeted at and achieving the outcomes sought</li> <li>• other compliance activity – information on the frequency of use and nature of other compliance provisions under the RMA, such as emergency works provisions, declarations and water shortage directions.</li> </ul>
<b>How will this information be captured?</b>	<p><b>Short-term approach:</b> Capture the proposed priority information at the end of the 2013/14 monitoring year, including:</p> <ul style="list-style-type: none"> <li>• compliance monitoring and complaints – numbers and types of complaints</li> <li>• enforcement decision-making – number and type of informal and formal action</li> <li>• reporting of monitoring functions – plan effectiveness, transfers of functions etc.</li> </ul> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that will enable data to be uploaded automatically from councils' systems, along with information from the Ministry of Justice (Environment and District Courts) on declarations and the outcomes of prosecutions.</p>

## 8.1 Proposed monitoring information

### A: Resourcing and processes (captured annually)

This section will better establish the processes used by local authorities to fulfil monitoring functions, monitor impacts under the RMA, and determine when formal enforcement action is appropriate. It also seeks to gather more information on the methods of education and advocacy local authorities use to encourage compliance with the RMA, and the resources they dedicate to compliance monitoring and enforcement activities, including cost recovery.

Education of resource users	Compliance and enforcement procedures	Māori participation	Staff and resourcing	Monitoring functions	Cost recovery
Public information provided on: <ul style="list-style-type: none"> <li>Plan requirements</li> <li>Permitted activities</li> <li>When to apply for a resource consent</li> <li>Consent condition requirements</li> <li>Specific industry requirements (eg, industrial and trade premises, dairying)</li> <li>FTE and \$\$ dedicated to education/advisory services</li> </ul>	Internal policy/procedure for handling complaints  Internal policy/procedure of issuing formal warning/notice of offence  Internal policy/procedure for taking formal enforcement decisions  Outline your monitoring and enforcement strategy	Do you involve tangata whenua in the monitoring of resource consents  Describe your local authority's monitoring and enforcement strategy	Staff dedicated to RMA compliance (FTE)  Staff dedicated to enforcement (FTE)  Staff dedicated to investigation and prosecution (FTE)  Staff who do a combination or all of the above (FTE)  Total staff dedicated to all compliance and enforcement activities (FTE)  External resources used for compliance and enforcement activities (\$)  Total compliance and enforcement budget (\$)	Have you monitored: <ul style="list-style-type: none"> <li>State of the environment</li> <li>Plan efficiency and effectiveness</li> <li>Delegated or transferred functions and powers</li> </ul> Have you reported on: <ul style="list-style-type: none"> <li>State of the environment</li> <li>Plan efficiency and effectiveness</li> <li>Delegated or transferred functions and powers</li> </ul> Do you keep and maintain records of each iwi and hapū groups (iwi documents lodged will be captured under 5.1F)	Set cost recovery charges and policies for: <ul style="list-style-type: none"> <li>Monitoring consent conditions</li> <li>Recovering costs through enforcement order (s314(1)(d))</li> </ul> Cost recovery for monitoring consent conditions: <ul style="list-style-type: none"> <li>Target percentage</li> <li>Actual percentage</li> </ul> Amount of costs recovered through enforcement action: <ul style="list-style-type: none"> <li>Costs sought</li> <li>Costs awarded</li> </ul>

## B: Complaints and non-compliance

This section captures information on the amount of complaints and non-compliance recorded by local authorities, including the types of activities this relates to. It will also seek to gather more information on the response to complaints and non-compliance with consent conditions and plan rules, and the outcome achieved – whether it was resolved, how it was resolved, or whether it led to formal enforcement action.

Complaint monitoring and type	Complaint response and outcome	Consent condition monitoring	Response and outcome of non-compliance with consent conditions	Breaches of rules in plans (permitted activities)
Use of complaints register  How many complaints received  What did complaint relate to: <ul style="list-style-type: none"> <li>Excessive noise</li> <li>Land use</li> <li>River and lake beds</li> </ul>	How many complaints were: <ul style="list-style-type: none"> <li>Compliant</li> <li>Non-compliant</li> </ul> How many non-complaint complaints were: <ul style="list-style-type: none"> <li>resolved through informal action               <ul style="list-style-type: none"> <li>verbal warning</li> </ul> </li> </ul>	How many and what percentage of resource consents monitored for compliance with conditions  What percentage of consent holders were compliant with consent conditions	For non-compliant consent holders, how many were: <ul style="list-style-type: none"> <li>Resolved through informal action               <ul style="list-style-type: none"> <li>Verbal warning</li> <li>Letter</li> <li>Monitoring visit</li> </ul> </li> </ul>	How many activities were monitored for compliance with plan rules (ie, not related to a complaint)  What portion of those activities were: <ul style="list-style-type: none"> <li>Compliant</li> </ul>

Complaint monitoring and type	Complaint response and outcome	Consent condition monitoring	Response and outcome of non-compliance with consent conditions	Breaches of rules in plans (permitted activities)
<ul style="list-style-type: none"> <li>Water (use, take, discharge, divert etc.)</li> <li>Coastal marine area (occupy, disturb, discharge etc.)</li> <li>Discharges</li> <li>Other</li> <li>Consent conditions</li> </ul>	<ul style="list-style-type: none"> <li>letter</li> <li>monitoring visit</li> <li>unresolved</li> <li>led to formal enforcement action (captured in C below)</li> </ul>	<p>Where consent holders were non-compliant, what did non-compliance relate to:</p> <ul style="list-style-type: none"> <li>Land use</li> <li>River and lake beds</li> <li>Water (use, take, discharge, divert etc.)</li> <li>Coastal marine area (occupy, disturb, discharge etc.)</li> <li>Discharges</li> <li>Other</li> </ul>	<ul style="list-style-type: none"> <li>Unresolved</li> <li>Led to formal enforcement action (captured in C below)</li> </ul>	<ul style="list-style-type: none"> <li>Non-compliant</li> </ul> <p>Where activities were non-compliant with plan rules how many were:</p> <ul style="list-style-type: none"> <li>Resolved through informal action <ul style="list-style-type: none"> <li>Verbal warning</li> <li>Letter</li> <li>Monitoring visit</li> </ul> </li> <li>Unresolved</li> <li>Led to formal enforcement action (captured in C below)</li> </ul>

## C: Enforcement activity and decision-making

This section captures information on the use of the RMA's enforcement mechanisms for the different types of activities defined under the Act. The activity categories are based on those currently used in the two-yearly Survey of Local Authorities, with additional data collected on other types of offences (ie, breach of enforcement orders and abatement notices).

Infringement notices	Abatement notices	Enforcement orders (including interim)	Prosecution recommendations	Prosecutions taken
<p>How many issued due to:</p> <ul style="list-style-type: none"> <li>Complaint</li> <li>Breach of plan rule</li> <li>Consent compliance</li> </ul> <p>How many issued under:</p> <ul style="list-style-type: none"> <li>338(1)(a): <ul style="list-style-type: none"> <li>Section 9 restrictions on the use of land</li> <li>Section 12 restrictions on the use of CMA</li> <li>Section 13 restrictions on certain uses of beds of rivers and lakes</li> <li>Section 14 restrictions relating to water</li> </ul> </li> </ul>	<p>How many issued due to:</p> <ul style="list-style-type: none"> <li>Complaint</li> <li>Breach of plan rule</li> <li>Consent compliance</li> </ul> <p>How many issued under:</p> <ul style="list-style-type: none"> <li>Section 9</li> <li>Section 11</li> <li>Section 12</li> <li>Section 13</li> <li>Section 14</li> <li>Section 15(1)(a) and b</li> <li>Section 15(1)(c) and (d)</li> </ul>	<p>How many issued due to:</p> <ul style="list-style-type: none"> <li>Complaint</li> <li>Breach of plan rule</li> <li>Consent compliance</li> </ul> <p>How many issued under:</p> <ul style="list-style-type: none"> <li>Section 9</li> <li>Section 11</li> <li>Section 12</li> <li>Section 13</li> <li>Section 14</li> <li>Section 15(1)(a) and b</li> <li>Section 15(1)(c) and (d)</li> </ul>	<p>How many recommendations due to:</p> <ul style="list-style-type: none"> <li>Complaint</li> <li>Breach of plan rule</li> <li>Consent compliance</li> </ul> <p>How many recommendations under:</p> <ul style="list-style-type: none"> <li>Section 9</li> <li>Section 11</li> <li>Section 12</li> <li>Section 13</li> <li>Section 14</li> </ul>	<p>How many taken due to:</p> <ul style="list-style-type: none"> <li>Complaint</li> <li>Breach of plan rule</li> <li>Consent compliance</li> </ul> <p>How many taken under:</p> <ul style="list-style-type: none"> <li>Section 9</li> <li>Section 11</li> <li>Section 12</li> <li>Section 13</li> <li>Section 14</li> <li>Section 15(1)(a) and b</li> <li>Section 15(1)(c) and (d)</li> </ul>

Infringement notices	Abatement notices	Enforcement orders (including interim)	Prosecution recommendations	Prosecutions taken
<ul style="list-style-type: none"> <li>- Section 15(1)(a) and (b) contaminants or water into water or onto land where likely to enter water</li> <li>- Section 15(1)(c) and (d) discharge of contaminants into environment from industrial or trade premises</li> <li>- Other section 15 (2), (2A) discharges or contaminant into air or onto or into land</li> </ul> <ul style="list-style-type: none"> <li>• 338(1)(c)-(d)</li> <li>• 338(1A)-(1B)</li> <li>• 338(2)(a), (c), (d)</li> </ul> <p>How many were withdrawn, paid, appealed, are in progress</p>	<ul style="list-style-type: none"> <li>• Other section 15 (2), (2A)</li> <li>• Section 338(1)(b)-(d)</li> <li>• Regulations</li> <li>• Other</li> </ul> <p>How many were withdrawn, complied with, appealed or are in progress</p>	<ul style="list-style-type: none"> <li>• Other section 15 (2), (2A)</li> <li>• Section 338(1)(b)-(d)</li> <li>• Regulations</li> <li>• Other</li> </ul> <p>How many were changed, cancelled or are in progress</p>	<ul style="list-style-type: none"> <li>• Section 15(1)(a) and b</li> <li>• Section 15(1)(c) and (d)</li> <li>• Other section 15 (2), (2A)</li> <li>• Section 338(1)(b)-(d)</li> <li>• Section 15A, 15B, 15C</li> <li>• Other</li> </ul>	<ul style="list-style-type: none"> <li>• Other section 15 (2), (2A)</li> <li>• Section 338(1)(b)-(d)</li> <li>• Section 15A, 15B, 15C</li> <li>• Other</li> </ul> <p>How many continuing offences fined?</p> <p>Council cost of prosecution process (FTE and \$)</p>

## D: Outcomes from prosecutions

This section seeks to gather more information on the amount, nature and outcome of prosecutions under the RMA in the context of the relevant sentencing factors established through case law. To ensure results are comparable, it uses the same sectors to categorise prosecutions as previous reports on prosecutions under the RMA.

Court decisions	Outcome of prosecutions	Nature of conviction	Prosecution by sector
<p>How many under:</p> <ul style="list-style-type: none"> <li>• Section 9</li> <li>• Section 11</li> <li>• Section 12</li> <li>• Section 13</li> <li>• Section 14</li> <li>• Section 15(1)(a) and b</li> <li>• Section 15(1)(c) and (d)</li> <li>• Other section 15 (2), (2A)</li> <li>• Section 338(1)(b) – (d)</li> <li>• Section 15A, 15B, 15C</li> <li>• Other</li> </ul>	<p>How many prosecutions obtained/discharged/dismissed/suspended/sentenced made under:</p> <ul style="list-style-type: none"> <li>• Section 9</li> <li>• Section 11</li> <li>• Section 12</li> <li>• Section 13</li> <li>• Section 14</li> <li>• Section 15(1)(a) and b</li> <li>• Section 15(1)(c) and (d)</li> <li>• Other section 15 (2), (2A)</li> <li>• Section 338(1)(b)</li> <li>• Section 338(1)(c)</li> <li>• Other</li> </ul>	<p>The type of conviction in terms of:</p> <ul style="list-style-type: none"> <li>• Fine imposed</li> <li>• Other penalty (enforcement order/imprisonment/community work)</li> <li>• Offender type (size/wealth/nature)</li> <li>• Deliberateness/culpability</li> <li>• Seriousness</li> <li>• Costs to councils</li> </ul>	<p>Type of prosecution:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Commercial</li> <li>• Industrial</li> <li>• Local authority</li> <li>• Residential</li> <li>• Other</li> </ul>



## E: Other compliance activities

This section captures data on other enforcement and enforcement-related activities under the RMA.

Excessive noise	Declarations	Emergency works	Water shortage
How many issued	How many declarations sought	How many issued	How many issued
Circumstances used	What did the matter relate to:	Circumstances used	Circumstances used
Outcome	<ul style="list-style-type: none"> <li>• RMA provisions</li> <li>• Plan provisions/activity status</li> <li>• Consent conditions</li> <li>• Other – NES/NPS</li> </ul>	Outcome	Compliance
Fine imposed		Follow-up consents	Follow-up action
Equipment seized			

## 9 Environmental Protection Authority: Nationally significant proposals

<p><b>Context: Why do we need information on EPA decision-making?</b></p>	<p>The Environmental Protection Authority (EPA) is responsible for receiving and processing proposals of national significance under the RMA. The types of applications that can be made to the EPA include:</p> <ul style="list-style-type: none"> <li>• applications for resource consent</li> <li>• a request for the preparation of a regional plan (other than a regional coastal plan)</li> <li>• a request for a change to a plan</li> <li>• an application for a change to, or cancellation of, conditions of a resource consent</li> <li>• a notice of a requirement for a designation, or to alter a designation</li> <li>• a notice of requirement for a heritage order, or to alter a heritage order.</li> </ul> <p>The EPA provides recommendations to the Minister for the Environment on whether to direct a matter to a board of inquiry or the Environment Court, or back to the local authority for consideration. The EPA also provides differing secretarial and support services to board of inquiry and Environment Court processes.</p> <p>As one of the tools under the RMA, it is important that we understand how the process for proposals of national significance is working.</p>
<p><b>What information is needed?</b></p>	<ul style="list-style-type: none"> <li>• Costs, timeframes, number of referrals from the Minister to the EPA.</li> <li>• Number of referrals from the EPA to either a board of inquiry or the Environment Court.</li> </ul> <p>This information can then be compared to ascertain the overall effectiveness of processes for dealing with nationally significant proposals.</p>
<p><b>How will this information be captured?</b></p>	<p><b>Short-term approach:</b> Information will initially be captured annually from the EPA using a process similar to the two-yearly Survey of Local Authorities.</p> <p><b>Long-term approach:</b> The development of an IT tool that will enable data to be uploaded automatically from the EPA's systems.</p>

## 9.1 Proposed monitoring information

### A: Context

This section will establish a picture of the types of application for proposals of national significance and the processes they follow.

Application	Process type	Application type	Matters included in the application
Description (highway, transmission, wind, hydro, etc)	Lodged with EPA s.145 Called in by Minister for the Environment s.142 Called in by the Minister of Conservation	Resource consents Change of resource consent conditions Cancellation of resource consent conditions Notices of requirement for designations Changes to designations Heritage orders Changes to heritage order Request to change a regional or district plan Request for the preparation of a regional plan (excluding regional coastal plan)	Number of matters

### B: Timeframes

This section captures the timeframes of the whole assessment process to better understand the time taken to process decisions on proposals of national significance.

Lodgement	Request for further information (section 149)	EPA recommendation (section 146(1), 147)	Ministers decision	Notification (section 149C)	Board of inquiry processes (sections 99, 100, 149L, Q, R)	Request to extend time limits (section 149S)	Matters referred to the Environment Court	Appeals (section 149(V))	Total time
Date lodged Date returned under section 88(3)	Information request 149(2)(a); or 149(2)(b) Date notified	Date recommendation made to Minister	Date of Minister's decision	Notified (Yes/no) Date notified Date submissions close	Hearing <ul style="list-style-type: none"> <li>Start date, end date</li> <li>Total number of hearing days</li> </ul>	Total instances requested Start date/close date Total days extended	Date of decision Decision outcome (Granted, declined, withdrawn)	Date lodged Date of decision	Actual days

Lodgement	Request for further information (section 149)	EPA recommendation (section 146(1), 147)	Ministers decision	Notification (section 149C)	Board of inquiry processes (sections 99, 100, 149L, Q, R)	Request to extend time limits (section 149S)	Matters referred to the Environment Court	Appeals (section 149(V))	Total time
	Date decision/information provided 149(2)(a); Date refused/agreed 149(2)(b)			Date information provided to board or the Environment Court	Decision <ul style="list-style-type: none"> <li>Date of draft report</li> <li>Date of final report</li> <li>Decision outcome (granted, declined, withdrawn)</li> </ul>				

## C: Consultation and decision making

This information provides context for stakeholder engagement and decisions throughout the proposal of national significance process, including potential links to the number, grounds and outcomes of any appeals.

Pre-application meetings	Māori participation	Recommendation from the Minister	Summary of submissions	Appeal decision
Pre-application meeting with the EPA (Yes/no) Was any consultation reported in the application (Yes/no)	Advice provided to applicants regarding iwi/hapū interests/concerns Yes/no Before/after formal lodgement Information provided to ensure that Māori can participate in the decision-making processes	Decision outcome If called in, directed to: <ul style="list-style-type: none"> <li>Environment Court</li> <li>board of inquiry section 142(2)</li> </ul> If not called in, date referred to local authority.	Number and type: <ul style="list-style-type: none"> <li>In support</li> <li>Support in part</li> <li>Neutral</li> <li>Mixed</li> <li>Opposition</li> <li>Opposition in part</li> <li>Wish to be heard</li> </ul>	Number and grounds of the appeal Decision outcome

## D: Costs and resource

This section provides for information on the costs and use of staffing resources to assess proposals of national significance and includes results from customer satisfaction surveys.

Resources	Overall customer satisfaction
Total cost charged to applicants Average hourly staff charge out rate used for cost recovery purposes by the EPA Number of FTE	Applicant survey of costs/services Outcomes

# 10 Designations

**Context: Why do we need information on designations?**

Designations are provisions in district plans that identify and protect an area of land for a particular type of work. They allow the responsible 'requiring authority' to undertake that work without the need to obtain a resource consent for land use. Requiring authorities include a Minister of the Crown, a local authority, or a network utility operator approved under section 167 of the RMA.

A 'notice of requirement' is a proposal for a designation by a requiring authority, and provides interim protection until the designation is confirmed and included in a district plan. Unlike resource consent processes, the territorial authority can only make a recommendation on the requirement and the requiring authority has the final decision. An 'outline plan of works' provides specific detail on proposed work after the designation is established and can be submitted for this purpose. An outline plan is not always required for works on designations, such as where sufficient information is provided at the designation stage, or when the requirement is waived by the territorial authority. As with notices of requirement, the territorial authority can only make recommendations, although it can appeal the decision to the Environment Court.

Designations have a number of advantages, including providing for activities that might otherwise be difficult to comprehensively provide for in a district plan. As such, the designation provisions are used relatively frequently to undertake and protect a range of works. The 2010/11 two-yearly Survey of Local Authorities found there were 188 notices of requirement for designations, with 147 confirmed. Additionally, 707 outline plans were submitted and 694 were recommended for approval.

Requiring authorities have the ability to support designated works by restricting the use of land or compulsorily acquiring land. Given the potential impact of these powers, it is important that how these provisions are used and contested is better understood.

Currently there is very little national-level information captured on the use of designations. The two-yearly Survey of Local Authorities provides useful information on the frequency with which notice of requirement and outline plan of work provisions are used, but there is no contextual information about the types of works using the designation provisions and the decision-making processes between territorial authorities and requiring authorities. To help improve understanding of the use and effectiveness of designation provisions on an ongoing basis we need to:

- identify the numbers and types of bodies processed for requiring authority status
- understand the different types of authorities using the designation provisions, the nature of the work the designation relates to, and the frequency at which these provisions and powers are used
- provide more in-depth data on how the notice of requirement, designation and outline plan of works provisions are being implemented between territorial authorities and requiring authorities
- understand and assess how the powers provided under designations are being used, including decision-making of the authority, restrictions on the use of land and compulsory acquisition of land.

<p><b>What information is needed?</b></p>	<p>To achieve the above, monitoring needs to focus on the specific processes and powers for designations:</p> <ul style="list-style-type: none"> <li>• requiring authority application – the frequency of applications, types of bodies applying, processing timeframes and costs and decisions</li> <li>• notice of requirements – frequency of requirements lodged, type of work, processing timeframes and costs, consultation, recommendations, decisions and appeals</li> <li>• outline plan of works – frequency of plans submitted, type of work, processing timeframes and costs, recommendations, decisions and appeals</li> <li>• use of designated land and compulsory acquisition – the number of applications to use land subject to designation, the approval, conditions or refusal of the requiring authority to use land, compulsory acquisition of land associated with designated work, and any related appeals.</li> </ul>
<p><b>How will this information be captured?</b></p>	<p><b>Short-term approach:</b> Capture the proposed priority information at the end of the 2013/14 monitoring year, including the number of notices of requirement and outline of works processed and their timeframes and processing costs.</p> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that would enable data to be uploaded automatically from councils' systems. Exploring ways to capture relevant information from requiring authorities on permissions to use land subject to a designation, Land Information New Zealand (LINZ) – for land acquired under the Public Works Act 1981, and the Ministry of Justice (for Environment Court information).</p>

## 10.1 Proposed monitoring information

### 10.1.1 Requiring authority approval and revocation

This section will provide a better overview of the processes for approving and revoking requiring authorities including the numbers of applications, types of bodies involved, and the time and resources required to process applications.

## A: Application to become requiring authority

Type of network utility provider	Lodgement	Further information request	Ministry recommendation	Minister decision and date gazetted	Total time
Airport Energy distribution Electricity transmission Telecommunications/radio communications Transport (road and rail) Water supply, drainage or sewage system	Date application lodged	Date information requested Date information received	Date recommendation provided to Minister	Date of Minister's decision Outcome of decision (granted/declined) Date of gazette notice	Actual days Total processing hours

## B: Revocation of requiring authority status

Type of network utility provider	History of requiring authority	Ministry recommendation	Date of revocation
Airport Energy distribution Electricity transmission Telecommunications/radio communications Transport (road and rail) Water supply, drainage or sewage system	Date gazetted Number of: <ul style="list-style-type: none"> <li>Notices of requirements</li> <li>Outline plan of works</li> </ul>	Date recommendation provided to Minister	Date of Minister's decision Decision outcome Date gazette notice revoked

## 10.1.2 Notice of requirement for designation

### A: Context

This section will better establish a national picture of the types of requiring authority and the types of works the notices of requirement relate to.

Type of requirement	Requiring authority	Type of works
<b>New designation or alteration to an existing designation</b> <ul style="list-style-type: none"> <li>To undertake a public work/project or public work</li> </ul>	Minister of the Crown Local authority	Education Corrections



Type of requirement	Requiring authority	Type of works
<ul style="list-style-type: none"> <li>To provide a restriction considered necessary (reasonably) for the safe or efficient functioning or operation of a public work (project/work)</li> </ul>	Approved network utility operator	Health Airport Energy distribution Electricity transmission Telecommunications/radio communications Transport (road and rail) Water supply, drainage or sewage system Other

## B: Consultation and decision-making

This section will provide more in-depth information on consultation and decision-making for notices of requirements. This will provide a better understanding of the levels of public participation in the notice of requirement process, types of parties involved (eg, individual, business, environmental group, community group, iwi) and the process between the territorial authority and the requiring authority. It is also intended to provide a means to link the consultation and decision-making processes to timeframes, costs and the occurrence and nature of appeals.

Pre-application consultation	Notification	Submissions	Recommendation of territorial authority	Decision-making	Decision of requiring authority	Appeals
Pre-application meeting with territorial authority (Yes/no)  Was any consultation reported in the application (Yes/no)	Non-notified Limited notified Notified	<ul style="list-style-type: none"> <li>Number</li> <li>Type (individual, group, government agency, business, iwi)</li> <li>For and against</li> <li>To be heard</li> <li>Trade competition</li> <li>Frivolous and vexatious</li> </ul>	Did the recommendation: <ul style="list-style-type: none"> <li>Confirm requirement</li> <li>Modify the requirement</li> <li>Request conditions</li> <li>Withdrawal requirement</li> </ul>	Decision-maker: <ul style="list-style-type: none"> <li>Local authority officer</li> <li>Councillors acting as commissioners</li> <li>Councillors as part of a hearing panel</li> <li>Independent commissioner</li> <li>Independent commissioner requested under section 100A</li> <li>Other (eg, mixed panel of councillors/commissioners)</li> <li>Accredited</li> <li>Number on panels</li> </ul>	Were the recommendations: <ul style="list-style-type: none"> <li>Accepted</li> <li>Rejected</li> <li>Accepted in part</li> </ul>	For s174 appeals <ul style="list-style-type: none"> <li>Number and type</li> <li>Nature of appeal</li> <li>Decision outcomes</li> </ul>

## C: Timeframes

This section will allow better understanding of the time taken at each stage of the process (actual and statutory days). It will capture timeframes between specific components of the notice of requirement process – some of these may or may not be initiated though the process (section 169 request for further information, notification, etc). This will allow for a better understanding of the processing timeframes, including any delays or inefficiencies at certain stages.

Lodgement type and process	Further information request (section 169)	Notification decision (if relevant) (section 169)	Post-submission further information request	Pre-hearing – mediation	Hearings	Territorial authority recommendation (section 171)	Requiring authority decision (section 172)	Territorial authority notification of decision (section 173)	Notice of extension – section 37	Appeals (section 174)	District plan inclusion (section 175)	Total time
<b>Date lodged</b>  Decision to: <ul style="list-style-type: none"> <li>• Include as part of proposed plan</li> <li>• As new designation</li> </ul> Type of process: <ul style="list-style-type: none"> <li>• Territorial authority process (s168)</li> <li>• Direct referral (s87)</li> </ul> EPA (s145)	Information request 92(1)/ 92(2)  Date notified  Date decision/ information provided (92(1))  Date refused/ agreed (92(2))	Date notified	Information request 92(1)/ 92(2)  Date notified  Date decision/ Information provided (92(1))  Date refused/ agreed (92(2))	Start date  Close date	Start date  Close date  Hearing days	Date of notice	Date of notice	Date of notice	Date of notice  Special circumstances or applicant agreement  Length of extension <ul style="list-style-type: none"> <li>• Up to twice</li> <li>• More than twice</li> </ul>	Date appeal lodged  Date of appeal decision	Date included in district plan  Designation reference	Actual days

## D: Costs

This section will provide data on the costs associated with the notice of requirement process, including hearings, commissioned reports or in-house specialist advice sought through the process by the territorial authority.

Deposit processing fees	Specialist reports, hearings and appeals	Processing charges
Deposit charged for notice of requirement	Cost of any reports commissioned through sections 169  Costs of specialist in-house advice  Hearing costs  Additional cost to territorial authority from appeal process	Total charge  Total processing hours

### 10.1.3 Outline plan of works

#### A: Context

This section will better establish a national picture of the types of requiring authority and the types of works that outline plan of works relate to. It also seeks to establish the timeframe from when the designation is included in the district plan to when the outline plan of works is submitted, and whether there have been previous outline plans of works under the same designation.

Type of works	Requiring authority	History of designations
Education	Minister of the Crown	The designation reference the outline plan of work relates to  Number of previous outline plans of works relate to the designation
Corrections	Local authority	
Health	Approved network utility operator	
Airport		
Energy distribution		
Electricity transmission		
Telecommunications/radio communications		
Transport (road and rail)		
Water supply, drainage or sewage system		
Other		

#### B: Consultation with territorial authority and decision-making

This section will provide information on the decision-making process for outline plans of works, including the types of processes used in communication with the territorial authority and the extent of negotiation, agreement and disagreement between the territorial authority and the requiring authority.

Pre-application meeting with territorial authority	Territorial authority recommendation	Decision of requiring authority	Appeals
Yes/no	Did the recommendation: <ul style="list-style-type: none"> <li>Request changes</li> <li>Not request changes</li> </ul>	Were the requested changes: <ul style="list-style-type: none"> <li>Accepted</li> <li>Rejected</li> <li>Accepted in part</li> </ul>	For s179 appeals <ul style="list-style-type: none"> <li>Number and type</li> <li>Nature of appeal</li> <li>Decision outcomes</li> </ul>

## C: Timeframes

This section will capture the timeframes of the outline plan of work process.

Lodgement	Territorial authority requested changes	Requiring authority decision	Notice of extension – section 37	Appeals (s179)	Total time
<b>Lodgement date</b>  Decision to: <ul style="list-style-type: none"> <li>Process outline plan of works</li> <li>Waive requirement</li> </ul>	Date of notice	Date of notice	Date of notice  Special circumstances or applicant agreement  Length of extension <ul style="list-style-type: none"> <li>Up to twice</li> <li>More than twice</li> </ul>	Date appeal lodged  Date of appeal decision	Actual days

## D: Costs

This section would provide data on the costs associated with the outline plan of works process.

Deposit processing fees	Processing charges
Deposit charged for outline plan of works	Total charge  Total processing hours

### 10.1.4 Use of designations

This section will provide information on the use of land subject to a designation and whether the requiring authority enables or restricts the use of land sought and the outcome of any appeal process. It will also capture information on the use of the Public Works Act to acquire land for the purposes of works associated with designations.

## A: Use of land subject to designation

Application to use land subject to designations	Appeals (s179)	Environment Court decision
<p>Date of permission sought for the use of land subject to designation</p> <p>Date and outcome of requiring authority decision under sections 176–178:</p> <ul style="list-style-type: none"> <li>• Obtained</li> <li>• Obtained with conditions</li> <li>• Refused consent</li> </ul>	<p>Date of notice of appeal</p> <p>Reasons for appeal and relief sought</p>	<p>Date of decision</p> <p>Outcome of decision:</p> <ul style="list-style-type: none"> <li>• Confirmed</li> <li>• Reversed</li> <li>• Modified</li> </ul>

## B: Compulsory acquisition and Environment Court orders to take land

Application for compulsory acquisition by requiring authority	Decisions on application for compulsory acquisition	Compensation for land acquired for designations	Application to Environment Court to order taking of land	Environment Court decision on application to take land
<p>Application to have land required for public work acquired or taken under the Public Works Act</p> <p>Date when application received</p> <p>Type of relief sought</p> <ul style="list-style-type: none"> <li>• Acquire land</li> <li>• Take land</li> </ul> <p>Nature of application:</p> <ul style="list-style-type: none"> <li>• Type of requiring authority (Minister of Crown, local authority, network utility operators)</li> <li>• Type of works associated with the designation (transport, education, etc.)</li> <li>• Date designation was included in district plan</li> </ul>	<p>Date of decision</p> <p>Outcome of decision:</p> <ul style="list-style-type: none"> <li>• Land taken</li> <li>• Land acquired</li> <li>• Some of land acquired/taken</li> <li>• Application declined</li> </ul> <p>Objection received on Minister of Lands' decision</p> <ul style="list-style-type: none"> <li>• Date received</li> <li>• Relief sought</li> </ul> <p>Environment Court findings</p> <ul style="list-style-type: none"> <li>• Send matter back</li> <li>• Report considers land acquisition fair, sound and reasonably necessary</li> <li>• Report considers land acquisition not fair, sound and reasonably necessary</li> </ul>	<p>Claim received for compensation for land acquired by requiring authority for works</p> <p>Outcome of claim</p>	<p>Application by landowner subject to designation for requiring authority to acquire or lease all or part of the owner's land or interest in land under Public Works Act</p> <p>Date when notice received</p> <p>Type of relief sought:</p> <ul style="list-style-type: none"> <li>• Acquire land</li> <li>• Lease land</li> </ul> <p>Nature of application:</p> <ul style="list-style-type: none"> <li>• Type of requiring authority (Minister of Crown, local authority, network utility operators)</li> <li>• Type of works associated with the designation (transport, education, etc)</li> <li>• Date designation was included in district plan</li> </ul>	<p>Date of decision</p> <p>Outcome of decision:</p> <ul style="list-style-type: none"> <li>• Order made</li> <li>• Order declined</li> <li>• Direct owner to undertake further action to sell land</li> </ul> <p>Reasons</p> <ul style="list-style-type: none"> <li>• Designation prevents reasonable use of land</li> <li>• Applicants was owner or estate or interest in land when designation was created</li> </ul>

## C: Other designation related activities

In addition to processing designations, consent authorities are responsible for managing the transfer, removal and lapse of designations. Collecting this information is useful to establish the nature and extent of these activities as part of the whole designation management processes.

Type of designation	Requiring authority	Type of works	Transfer of designation	Removal of designation	Lapsed designation	Appeals and objections
Education	Minister of the Crown	Education	Number	Number	Number	For s357 objections or s358 appeals <ul style="list-style-type: none"> <li>• Number and type</li> <li>• Nature of appeal</li> <li>• Decision outcomes</li> </ul>
Corrections	Local authority	Corrections				
Health	Approved network utility operator	Health				
Airport		Airport				
Energy distribution		Energy distribution				
Electricity transmission		Electricity transmission				
Telecommunications/radio communications		Telecommunications/radio communications				
Transport (road and rail)		Transport (road and rail)				
Water supply, drainage or sewage system		Water supply, drainage or sewage system				
Other		Other				

# 11 Heritage orders

<p><b>Context: Why do we need information on heritage orders?</b></p>	<p>A heritage order is a provision in a district plan that allows heritage protection authorities to protect the heritage qualities of a particular place. The term 'heritage protection authority' includes all Ministers of the Crown, local authorities and the Historic Places Trust. A body corporate with an interest in protecting a place may also apply to the Minister for the Environment to become a heritage protection authority.</p> <p>For the purposes of a heritage order, a 'place' can include any feature or area, and the whole or part of any structure, and any place of special heritage interest may qualify. A heritage order may also include part of the land surrounding a place, where this is necessary to ensure the protection or enjoyment of the heritage qualities and values being protected. A heritage order is similar in effect to a designation through its inclusion in district plans. Where a heritage order is included in a district plan, no one, without the prior consent of the heritage protection authority, can do anything that would compromise the effect of the heritage order.</p> <p>Heritage orders are not used as frequently as designations but still attract interest because of the protection they potentially provide to approved authorities and the restrictions on the use of land subject to an order. Current monitoring and knowledge of the use of the heritage orders provisions is very limited and there is no standard national approach for monitoring their use. Given the restrictions on land that heritage orders provide, it is important to monitor their use to ensure the provisions are being used as intended and achieving their objectives.</p> <p>This will be achieved by gathering better and more in-depth information about:</p> <ul style="list-style-type: none"> <li>• the types of bodies applying to become heritage protection authorities, how these applications are dealt with and the outcomes</li> <li>• how often heritage orders are used, the heritage qualities they seek to protect, and the time, costs, consultation and decision-making processes associated with their processing and inclusion in district plans</li> <li>• how the powers provided under heritage orders are being used, including decision-making of the authority, restrictions on the use of land and compulsory acquisition of land.</li> </ul>
<p><b>What information is needed?</b></p>	<p>To achieve the above purposes, monitoring needs to focus on the specific processes and powers for heritage orders:</p> <ul style="list-style-type: none"> <li>• Heritage protection authorities – information on frequency, types of bodies applying and processing timeframes, costs and decisions.</li> <li>• Heritage orders – information on frequency, type of work, processing timeframes and costs, consultation, recommendations, decisions and appeals.</li> <li>• Use of protected heritage places and compulsory acquisition – the number of applications to use land subject to heritage order, the approval, conditions or refusal of the heritage protection authority to use land, compulsory acquisition of land associated with heritage orders, and related appeals.</li> </ul>

<b>How will this information be captured?</b>	<p><b>Short-term approach:</b> Given the lower numbers of heritage protection authorities and heritage orders, a manual process will be explored to identify and capture information from existing sources.</p> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that would enable data to be uploaded automatically from councils' systems. Exploring ways to capture relevant information from heritage protection authorities (including New Zealand Historic Protection Trust) on permissions to use land subject to a heritage order, Land Information New Zealand (LINZ) – for land acquired under the Public Works Act 1981, and the Ministry of Justice (for Environment Court information).</p>
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## 11.1 Proposed monitoring information

### 11.1.1 Heritage authority approval and revocation

This section will provide a better overview of the processes for approving and revoking heritage protection authorities including the numbers of applications, types of bodies involved, and the time and resources required to process applications.

#### A: Application to become a heritage protection authority

Type of body	Lodgement	Further information request	Ministry recommendation	Minister decision and date gazetted	Total time
Name – description	Date application lodged	Date information requested Date information received	Date recommendation provided to the Minister	Date of Minister's decision Outcome of decision (granted/declined) Date of gazette notice	Actual days Total processing hours

#### B: Revocation of heritage protection status

Type of body	History of requiring authority	Ministry recommendation	Date of revocation
Name – description	Date gazetted Number of notices of requirement	Date recommendation provided to the Minister	Date of Minister's decision Date gazette notice revoked



## 11.1.2 Requirements for heritage orders

### A: Context

This section will establish a national picture of the type of heritage protection authority and the type of place the requirement for a heritage order relates to.

Type of requirement	Requiring authority	Heritage interests
New order or alteration <ul style="list-style-type: none"> <li>Place</li> <li>Area surrounding the plan</li> </ul>	Minister of the Crown Minister of Māori Affairs acting on own motion Minister of Māori Affairs acting on recommendation of iwi authority Local authority acting on own motion Local authority acting on recommendation of iwi authority New Zealand Historic Places Trust Body corporate approved as heritage protection authority	Interests in place: <ul style="list-style-type: none"> <li>Significance to tangata whenua</li> <li>Cultural</li> <li>Architectural</li> <li>Scientific</li> <li>Ecological</li> <li>Other</li> </ul>

### B: Consultation and decision-making

This section will provide more in-depth information on the consultation and decision-making for heritage orders. This will provide a better understanding of the levels of public participation in the notice of requirement process and the types of parties involved (eg, individual, business, environmental group, community group). It is also intended to provide a means to link the consultation and decision-making processes to timeframes, costs and the occurrence and nature of appeals.

Pre-application consultation	Notification	Submissions	Recommendation of territorial authority	Decision-making	Decision of heritage protection authority	Appeals (s192/174)
Pre-application meeting with territorial authority (Yes/no)  Was any consultation reported in the application (Yes/no)	Non-notified Limited notified Notified	<ul style="list-style-type: none"> <li>Number</li> <li>Type (individual, group, government agency, business, iwi)</li> <li>For and against</li> <li>To be heard</li> <li>Trade competition</li> <li>Frivolous and vexatious</li> </ul>	Did the recommendation: <ul style="list-style-type: none"> <li>Confirm requirement without modifications</li> <li>Request modifications               <ul style="list-style-type: none"> <li>To reimburse owner for upkeep of place</li> <li>Other conditions</li> </ul> </li> <li>Request withdrawn</li> </ul>	Decision-maker: <ul style="list-style-type: none"> <li>Local authority officer</li> <li>Councillors acting as commissioners</li> <li>Councillors as part of a hearing panel</li> <li>Independent commissioner</li> <li>Independent commissioner requested under section 100A</li> <li>Other (eg, mixed panel of councillors / commissioners)</li> <li>Accredited</li> <li>Number on panels</li> </ul>	Were the recommendations: <ul style="list-style-type: none"> <li>Accepted</li> <li>Rejected</li> <li>Accepted in part</li> </ul>	For s192(174) appeals <ul style="list-style-type: none"> <li>Number and type</li> <li>Nature of appeal</li> <li>Decision outcomes</li> </ul>

## C: Timeframes

This section will capture the timeframes of the requirement for heritage order processes to allow better understanding of the time taken at each stage of the process. This will capture timeframes between specific components of the heritage order process – some of these may or may not be initiated though the process (section 190 request for further information, notification, etc). This will allow for a better understanding of the processing timeframes at the different stages, including any delays or inefficiencies.

Lodgement (section 189)	Further information request (section 190)	Notification decision (section 190)	Post-submission further information request	Pre-hearing – mediation	Hearings	Territorial authority recommendation (section 191)	Heritage protection authority decision (section 192)	Territorial authority notification of decision (section 192)	Notice of extension – section 37	Appeals (sections 192/ 174)	District plan inclusion (section 192)	Total time
Date lodged Decision to: <ul style="list-style-type: none"> <li>• Include as part of proposed plan</li> <li>• As new order</li> </ul> Type of process: <ul style="list-style-type: none"> <li>• Territorial authority process (section 168)</li> <li>• Direct referral (section 87)</li> <li>• EPA (section 145)</li> </ul>	Information request 92(1)/ 92(2) Date notified Date decision/ information provided (92(1)) Date refused/agreed (92(2))	Date notified	Information request 92(1)/ 92(2) Date notified Date decision/ Information provided (92(1)) Date refused/agreed (92(2))	Start date  Close date	Start date  Close date  Hearing days	Date of notice	Date of notice	Date of notice	Date of notice Special circumstances or applicant agreement Length of extension <ul style="list-style-type: none"> <li>• Up to twice</li> <li>• More than twice</li> </ul>	Date appeal lodged  date of appeal decision	Date included in district plan Heritage order reference	Actual days

## D: Costs

This section will provide a more robust set of national data on the costs associated with requirements for heritage orders, including costs of any hearings, commissioned reports or in-house specialist advice sought during the process.

Deposit processing fees	Specialist reports, hearings and appeals	Processing charges
Deposit charged for notice of requirements	Cost of any reports commissioned through section 190 Costs of specialist in-house advice Hearing costs Additional cost to council from appeal process	Total charge Total processing hours

### 11.1.3 Use of land subject to a heritage order

#### A: Timeframes

This section will provide information on whether heritage protection authorities enable or restrict the use of land sought by affected landowners and the outcome of any appeal process.

Application to use land subject to order	Appeals (s195)	Environment Court decision
Date of permission sought for the use of land subject to heritage order Date and outcome of heritage protection authority decision under sections 193–194: <ul style="list-style-type: none"> <li>Obtained</li> <li>Obtained with conditions</li> <li>Refused consent</li> </ul>	Date of notice of appeal Reasons for appeal and relief sought	Date of decision Outcome of decision: <ul style="list-style-type: none"> <li>Confirmed</li> <li>Reversed</li> <li>Modified</li> </ul>

#### B: Compulsory acquisition and Environment Court orders to take land

Application for compulsory acquisition by heritage protection authority	Decisions on application for compulsory acquisition	Compensation for land acquired for designations	Application to Environment Court to order taking of land	Environment Court decision on application to take land
Application to have land required for public work acquired or taken under Public Works Act Date when application received	Date of decision Outcome of decision: <ul style="list-style-type: none"> <li>Land taken</li> </ul>	Claim received for compensation for land acquired by requiring authority for works	Application by landowner subject to heritage order for heritage protection authority to acquire or lease all or part of the owners	Date of decision Outcome of decision: <ul style="list-style-type: none"> <li>Order made</li> </ul>

Application for compulsory acquisition by heritage protection authority	Decisions on application for compulsory acquisition	Compensation for land acquired for designations	Application to Environment Court to order taking of land	Environment Court decision on application to take land
Type of relief sought: <ul style="list-style-type: none"> <li>Acquire land</li> <li>Take land</li> </ul> Nature of application: <ul style="list-style-type: none"> <li>Type of heritage protection authority (Minister of Crown, local authority, NZHPT)</li> <li>Date order was included in district plan</li> <li>Number of affected landowners</li> </ul>	<ul style="list-style-type: none"> <li>Land acquired</li> <li>Some of land acquired/taken</li> <li>Application declined</li> </ul> Objection received on Minister of Land's decision: <ul style="list-style-type: none"> <li>Date received</li> <li>Relief sought</li> </ul> Environment Court findings: <ul style="list-style-type: none"> <li>Send matter back</li> <li>Report considers land acquisition fair, sound and reasonably necessary</li> <li>Report considers land acquisition not fair, sound and reasonably necessary</li> </ul>	Outcome of claim	land or interest in land under the Public Works Act Date when notice received Type of relief sought: <ul style="list-style-type: none"> <li>Acquire land</li> <li>Lease land</li> </ul> Nature of application: <ul style="list-style-type: none"> <li>Type of heritage protection authority (Minister of Crown, local authority, NZHPT)</li> <li>Date order was included in district plan</li> </ul>	<ul style="list-style-type: none"> <li>Order declined</li> <li>Direct owner to undertake further action to sell land</li> <li>Reasons for decision</li> </ul>

## C: Other related heritage order activities

In addition to processing designations, consent authorities are responsible for managing the removal of heritage orders. Collecting this information is useful to establish the nature and extent of these activities as part of the whole heritage order process.

Requiring authority	Heritage interest	Removal of heritage order
Minister of the Crown Minister of Māori Affairs acting on own motion Minister of Māori Affairs acting on recommendation of iwi authority Local authority acting on own motion Local authority acting on recommendation of iwi authority New Zealand Historic Places Trust Body corporate approved as heritage protection authority	Interests in place: <ul style="list-style-type: none"> <li>Significance to tangata whenua</li> <li>Cultural</li> <li>Architectural</li> <li>Scientific</li> <li>Ecological</li> <li>Other</li> </ul>	Number

## 12 Direct referral

<p><b>Context: Why do we need information on direct referral?</b></p>	<p>The RMA was amended in 2009 to enable applications to be directly referred to the Environment Court for consideration and decision, bypassing the usual council decision-making processes. Applicants make their request for 'direct referral' to the council.</p> <p>Certain types of applications can be directly referred to the Environment Court for a decision, including resource consent applications, notices of requirements for designation and heritage protection orders. Before a decision is made by the council, the application progresses in the standard way: it is lodged; a decision is made as to whether or not the application is notified; and there is a submission period (ie, sections 88–98 of the RMA apply).</p> <p>The request to have the application directly referred can be made to the council from any time after the application is lodged, up until five working days after submissions close. The council then has full discretion on whether to grant or refuse a request for direct referral, although there is the ability to object to this decision.</p> <p>The direct referral process is intended to streamline decision-making for large-scale and/or complex applications that will be notified and are likely to end up in the Environment Court on appeal, potentially saving both time and costs for both applicants and submitters.</p> <p>Because direct referral was recently introduced, knowing how the processes are being implemented will provide information on whether direct referral is working as intended.</p>
<p><b>What information is needed?</b></p>	<p>To help inform how the direct referral process is being used it is necessary to understand the:</p> <ul style="list-style-type: none"> <li>• context and nature of direct referral requests</li> <li>• time and costs of direct referral processes, for both councils and the Environment Court</li> <li>• outcomes of decisions.</li> </ul> <p>As the direct referral process essentially follows the resource consent process, it is envisaged that information up to the receipt and decision on direct referral can be captured through the information on resource consents in section 7.</p>
<p><b>How will this information be captured?</b></p>	<p><b>Short-term approach:</b> Given the low numbers of direct referral cases, a manual process will be used to identify and capture the relevant details of the process in the short term.</p> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that would enable data to be uploaded automatically from councils' systems on direct referrals as part of the resource consent process. Automated processes will be explored with the Ministry of Justice for capturing relevant information on direct referral processes administered by the Environment Court.</p>

## 12.1 Proposed monitoring information

### A: Context

This section will establish the context for the types of resource consent applications, notice of requirements and heritage orders that are directly referred to the Environment Court – ie, what the activity relates to and the type of application. A pragmatic approach is also proposed to begin to categorise sub-types of consents, notice of requirements and heritage orders. This will allow for a better understanding of the relationship between the nature of a proposed activity and the use of the RMA’s direct referral provisions.

Type of application	Resource consent sub-type	Resource consent activity category	Resource consent (If relevant) which NES/NPS is being given effect to	Resource consent complexity	Notice of requirement sub-type	Heritage order sub-type
<ul style="list-style-type: none"> <li>Resource consent</li> <li>Change or cancellation of consent conditions (section 127)</li> <li>Notice of requirement for designation</li> <li>Requirement for heritage order</li> <li>Requirement for an alternation to a designation</li> <li>Requirement for an alteration to a heritage order</li> </ul>	<p><b>Land-use</b> ...residential, rural, commercial, vegetation removal, network utilities, earthworks, heritage, renewable energy generation, ‘other’, etc...</p> <p><b>Use of beds of lakes or river</b> structure, disturb bed, introduce plants, deposit, reclaim – plants habitats of plants, habitats of animals</p> <p><b>Subdivision</b> residential, rural, size</p> <p><b>Coastal</b> occupation, disturbance, reclamation</p> <p><b>Water</b> take, use, dam, divert, or energy from open coastal water</p> <p><b>Discharge</b> to air, water, land that may enter water</p>	<p>Controlled</p> <p>Restricted discretionary</p> <p>Discretionary</p> <p>Non-complying</p>	<p>NES Air Quality</p> <p>NES Sources of Human Drinking Water</p> <p>NES Telecommunications Facilities</p> <p>NES Electricity Transmission</p> <p>NES Assessing and Managing Contaminants in Soil to Protect Human Health</p> <p>NPS Electricity Transmission</p> <p>NPS Renewable Electricity Generation</p> <p>NPS Freshwater Management</p>	<p>Number of rules breached (or simple – complex)</p>	<p>Type of work:</p> <ul style="list-style-type: none"> <li>Education</li> <li>Corrections</li> <li>Health</li> <li>Airport</li> <li>Energy distribution</li> <li>Electricity transmission</li> <li>Telecommunications/ radio communications</li> <li>Transport (road and rail)</li> <li>Water supply, drainage or sewage system</li> <li>Other</li> </ul>	<p>Heritage place</p> <p>Area surrounding heritage place</p> <p>Heritage qualities of place:</p> <ul style="list-style-type: none"> <li>Significance to tangata whenua</li> <li>Cultural significance</li> <li>Architectural significance</li> <li>Scientific significance</li> <li>Ecological significance</li> <li>Other</li> </ul>

## B: Direct referral request

This section will capture data on the frequency of requests for direct referral and the procedural requirements used by councils when dealing with requests. This will include communication of the applicant's request to the council, timing and reasons for the request, and the outcome.

Pre-request communication	Time and reasons for requests	Decision on direct referral	Decision-maker on request	Objections to declined request s 357A	Total time
Advance notice of potential request provided by applicant: <ul style="list-style-type: none"> <li>• Yes/no</li> <li>• Date of notice</li> </ul> Pre-request /lodgement meeting: <ul style="list-style-type: none"> <li>• Yes/no</li> </ul>	Date request lodged Stage in process the request received: <ul style="list-style-type: none"> <li>• Lodgement</li> <li>• Between lodgement and notification decision</li> <li>• Between notification decision and submission close period</li> <li>• After submissions closed</li> </ul>	Date of decision Granted, declined	Decision-maker: <ul style="list-style-type: none"> <li>• Local authority officer</li> <li>• Councillor</li> <li>• Community board</li> <li>• Independent commissioner</li> <li>• Independent commissioner (section 100A)</li> <li>• Accredited</li> <li>• Number on panel</li> </ul>	Outcome (successful/ unsuccessful) Decision maker	At point of decision: <ul style="list-style-type: none"> <li>• Actual days</li> <li>• Statutory days</li> </ul>

## C: Environment Court process

This section will capture data on how the direct referral process is administered by the Environment Court – the processes used, time between key stages and the outcome.

Notice of motion to Environment Court	Information provided to the Environment Court	Section 274 notification	Decision	Appeal to High Court	Total time
Date notice of motion lodged with the Environment Court	Date information transferred to Environment Court	Date submitters notified to file a section 274 notice	Date of decision Granted, declined	Date of appeal Nature of appeal Appellant (applicant, section 274 party, council) Decision date Decision outcome (overturned, upheld)	Actual days

## D: Consultation and decision-making

This section will provide information on the use and robustness of consultation and decision-making during the direct referral process, both pre-lodgement and during the formal submission and hearing process. This will provide a means to identify relationships between the use of the direct referral provisions, the level of consultation undertaken and the interest in the application by parties (both for and against). It will also provide a means to establish how many submitters become section 274 parties to continue to be involved in the application as it moves through the Environment Court proceedings.

Pre-application consultation	Māori participation	Submissions	Section 274 parties
Was any consultation reported in the application (Yes/no)	Cultural impact assessment commissioned Conditions proposed Consultation undertaken with iwi	<ul style="list-style-type: none"> <li>Number</li> <li>Type (individual, group, government agency, business, iwi)</li> <li>For and against</li> <li>To be heard</li> <li>Trade competition</li> <li>Frivolous and vexatious</li> </ul>	<ul style="list-style-type: none"> <li>Number</li> <li>Type (individual, group, government agency, business, iwi)</li> <li>For and against</li> <li>To be heard</li> <li>Trade competition</li> <li>Frivolous and vexatious</li> </ul>

## E: Costs and resources (effort)

This section will provide data on the costs associated with the direct referral processes for both the initial processing of the application by the council and the costs associated with the Environment Court proceedings.

Council deposit processing fees	Council specialist reports	Council processing charges up to transfer	Council cost recovery for Environment Court costs	Environment Court cost recovery	Discount regulation
Deposit charged for consent type	Cost of any reports commissioned through section 92 Costs of specialist in-house advice	Total charge Total processing hours	Council costs spent in Environment Court Application to Environment Court to recover council's Court costs: <ul style="list-style-type: none"> <li>Amount sought</li> <li>Amount awarded</li> </ul>	Amount of costs sought to recover from: <ul style="list-style-type: none"> <li>Applicant</li> <li>Section 274 parties</li> </ul>	Discount regulation imposed (yes/no) Amount Number of days exceeded



# 13 Water conservation orders

<p><b>Context: Why do we need information on water conservation orders?</b></p>	<p>A water conservation order (WCO) recognises the outstanding amenity or intrinsic values that a specific water body provides, in either a natural or modified state. WCOs can be used to preserve that natural state, or to protect characteristics such as:</p> <ul style="list-style-type: none"> <li>• the water body's value as a habitat or fishery</li> <li>• its wild and scenic nature</li> <li>• its value for recreational, historic, spiritual, cultural or scenic purposes.</li> </ul> <p>WCOs can apply to rivers, lakes, streams, ponds, wetlands or aquifers, and can cover fresh water or geothermal water.</p> <p>Once a WCO is made, councils are required to ensure that their regional policy statements and regional/district plans are not inconsistent with its provisions. Councils cannot grant water, coastal or discharge permits that are contrary to the restrictions, prohibitions or provisions of a WCO. As a WCO can prohibit or restrict a regional council from issuing new water and discharge permits (although it cannot affect existing permits), it is important to understand the application, decision-making processes and timeframes applied in creating a WCO, and how it is then implemented.</p> <p>With 16 WCOs currently in effect (including one amendment order), and a number of others being actively considered or reviewed, it is important to collect robust data on the development, consultation and design of each WCO to better understand the complete life cycle of this instrument.</p>
<p><b>What information is needed?</b></p>	<p>To help inform how the WCO process is being used, it is necessary to understand the:</p> <ul style="list-style-type: none"> <li>• application process – assessment, consultation and timeframes</li> <li>• decision-making process – appointment of a special tribunal</li> <li>• scope, nature and effect of the WCO on relevant applications.</li> </ul>
<p><b>How will this information be captured?</b></p>	<p><b>Short-term approach:</b> Manually collect any information on the development or review of WCOs.</p> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that would enable data to be uploaded automatically from councils' systems and the Ministry for the Environment.</p>

## 13.1 Proposed monitoring information

The tables below outline the proposed data capture for WCOs under the RMA. This includes information on the context and nature of WCOs, the application process to the Minister for the Environment for WCOs, and the decision-making processes for WCOs up until the final recommendation to the Governor-General. It also seeks to capture information on the scope and nature of WCOs and their effect on relevant applications.

### A: Context

This section will establish the context for WCOs, including their purpose, values and scope. It will also collect information on the type of applicants and the types of prescriptions and prohibitions sought.

Purpose of WCO	Nature of prescriptions and prohibitions sought	Applicant	Application
Preservation of natural state of water Protection of outstanding characteristics: <ul style="list-style-type: none"> <li>• A habitat for organisms</li> <li>• As a fishery</li> <li>• Wild, scenic or natural</li> <li>• Scientific or ecological</li> <li>• Recreational</li> <li>• Historical</li> <li>• Spiritual and cultural</li> <li>• In accordance with tikanga Māori</li> </ul>	Quality of water body Maximum containment loading Quantity of water body Maximum rate of abstraction Maximum and minimum flow levels Ranges of temperature and pressure	Person applying: <ul style="list-style-type: none"> <li>• Environmental group</li> <li>• Community group</li> <li>• Iwi authority</li> <li>• Individual</li> <li>• Business</li> <li>• Government organisation</li> </ul> Number of applicants: <ul style="list-style-type: none"> <li>• Single party</li> <li>• Joint application</li> </ul>	Type of water body: <ul style="list-style-type: none"> <li>• Lake</li> <li>• River</li> <li>• Wetland</li> </ul> Reasons for application Types of provisions sought to be included in WCO: <ul style="list-style-type: none"> <li>• Identification of outstanding characteristics</li> <li>• Restrictions and prohibitions</li> <li>• Exemptions/certain uses allowed</li> <li>• Schedule of waters to be protected</li> </ul>

### B: Minister's consideration of application

This section will capture data on the timeframes, outcomes and processes used to process WCO applications by the Ministry for the Environment and the Minister for the Environment, and those referred to a special tribunal.

Application	Further information	Ministry recommendation	Minister's decision
Date application lodged	Date further information requested Date further information received	Date recommendation provided to Minister	Date of Minister's decision Outcome of decision <ul style="list-style-type: none"> <li>• Appoint special tribunal</li> <li>• Reject application</li> </ul>

## C: Special tribunal process and Environment Court inquiry

This section will capture data on the consideration of WCO applications by the special tribunal and any Environment Court inquiry held, including the time between key stages, processes used and outcome. It will also identify the level of interest in WCO applications by collecting data on the number and type of submissions to both the special inquiry and Environment Court.

Public notification	Further information	Submissions to tribunal	Tribunal hearing	Tribunal report	Submissions to Environment Court	Environment Court report	Making of order
Date application notified  Closing date for submissions	Date requested  Date received	Number and type <ul style="list-style-type: none"> <li>• Support order</li> <li>• Prefer the order preserve a different water body</li> <li>• Prefer different features and qualities be preserved</li> <li>• Oppose order</li> </ul> Number of further information requests from submitters	Start date  Close date  Hearing days	Date of report  Recommendations of report: <ul style="list-style-type: none"> <li>• Draft order provided</li> <li>• Declined</li> </ul>	Date submissions lodged  Number and type <ul style="list-style-type: none"> <li>• Applicant</li> <li>• Submitter to special tribunal</li> <li>• Person granted leave by Court</li> </ul>	Date sent to Minister  Recommendations of report: <ul style="list-style-type: none"> <li>• Draft order accepted without modification</li> <li>• Draft order accepted with modification</li> <li>• Draft order declined</li> </ul>	Date of Minister's recommendation to Governor-General <ul style="list-style-type: none"> <li>• Make the order</li> <li>• Not make the order</li> </ul> Date Order in Council made

## D: Implementation and effect of WCO into regional policy statements, plans and resource consent decisions

This section will provide data on the implementation of WCOs into regional policy statements and plans and subsequently resource consent decisions which apply to activities determined within a WCO area. Information for implementation will also be captured under approaches in section 6.1 and 7.1 respectively.

Consents lodged effected by order	Outcome of application
Type of application: <ul style="list-style-type: none"> <li>• Coastal permit</li> <li>• Water take</li> <li>• Discharge to water</li> <li>• Discharge to land that may enter water</li> </ul>	Granted  Declined because: <ul style="list-style-type: none"> <li>• Would be contrary to purpose of WCO</li> <li>• Would change or vary the WCO provisions</li> <li>• For other reasons</li> </ul>

# 14 National environmental standards and national policy statements: Development processes

<p><b>Context: Why do we need information on national tools?</b></p>	<p>In recent years there has been a substantial increase in the development of national environmental standards (NESs) and national policy statements (NPSs) under the RMA.</p> <ul style="list-style-type: none"> <li>• A NES may prescribe technical standards, methods or requirements and has the effect of a rule in a regional or district plan.</li> <li>• A NPS contains objectives and policies for matters of national significance, and regional policy statements, regional plans and district plans must give effect to these documents.</li> </ul> <p>The development of these national tools was always anticipated by the hierarchy of planning instruments established under the RMA, from central through to regional and local level. The purpose of national tools is to provide greater national direction on nationally significant issues, promote greater consistency in resource consent requirements and decision-making, reduce compliance costs and timeframes, and improve environmental outcomes.</p> <p>With a growing number of national tools in force under the RMA, and a number of others being actively considered, it is important to collect robust data on the development, consultation and design of each NPS and NES to better understand the complete life cycle of these tools. This will help inform decision-making about whether the national tool is achieving its purpose and is the most appropriate statutory mechanism to achieve the policy objective.</p> <p>The National Monitoring System is establishing what monitoring data should be collected from the Ministry for the Environment (MfE) to help inform the process on an ongoing basis to:</p> <ul style="list-style-type: none"> <li>• identify how each NPS and NES is being developed and the types of processes, costs and resources being used by MfE to achieve this</li> <li>• evaluate the effectiveness of the development process for NPSs and NESs to ensure this is responsive, efficient and robust</li> <li>• identify and support areas where improvements, amendments and guidance may be required to improve the development of NPSs and NESs</li> </ul> <p>If or when future regulations are made (such as under section 360 of the RMA), the proposed National Monitoring System for the RMA will be adapted to capture similar data on timeframe, costs, and available resources to implement and give effect to those regulations.</p>
<p><b>What information is needed?</b></p>	<p>The following information is needed for each NES and NPS, covering three key phases:</p> <ul style="list-style-type: none"> <li>• timeframes and costs: timeframes for the key stages of developing a national tool, including the associated costs at each stage of the development process at MfE</li> <li>• context: the type, subject matter and scale of activities involved in developing a national tool</li> <li>• consultation, participation and decision-making: types, form and levels of consultation and decision-making throughout the process.</li> </ul>
<p><b>How will this information be captured?</b></p>	<p>A process will be developed to capture consistent information on the development of NES and NPS from business planning processes within the MfE.</p>

## 14.1 Proposed Ministry for the Environment monitoring information

### A: Context (NES and NPS)

The context of Ministry for the Environment (MfE) monitoring information is important to help identify the scale, complexity and importance of the work towards achieving national priorities that are ultimately given effect to at the regional and local levels through plan changes and resource consents.

NPS or NES name	Thematic	Driver	Description
Description	Area of coverage	Issue driven	Explanation of any additional context

### B: Timeframes and costs (NPS)

This section captures information on the whole national tool-making process, to provide a better understanding of the time taken and cost at each stage of the process.

Scoping	Ministers approval	Drafting	Ministers approval	Consultation	Hearings (board of inquiry process)	Recommendation made to Minister	Minister's decision and date gazetted	Implementation	Total
Start date / Close date	Date of decision Outcome of decision	Start date / Close date	Date of decision Outcome of decision	Start date / Close date	Start date / Close date Hearing days	Date of recommendation	Date of decision Date of gazettal	Start date / Close date	Actual days
FTE \$\$		FTE \$\$			FTE \$\$			FTE \$\$	FTE \$\$

### C: Timeframes and costs (NES)

This section captures information on the whole national tool-making process, to provide a better understanding of the time taken and cost at each stage of the process.

Define / scope	Design	Cabinet approval to consult	Consult	Redesign Includes use of a reference or technical advisory group	Cabinet approval to draft the regulation	Deliver – Writing the regulation	Minister's decision and date gazetted	Implementation	Total
Start date / Close date	Start date / Close date	Date	Start date / Close date	Start date / Close date	Date	Start date / Close date	Date of decision and Date of gazettal	Start date / Close date	Actual days
FTE \$\$	FTE \$\$		FTE \$\$	FTE \$\$		FTE \$\$		FTE \$\$	FTE \$\$

### D: Consultation, participation and decision-making (NPS)

The following information provides context around MfE's engagement and decision-making to create a NPS.

Pre-draft consultation or other form of engagement	Minister chooses process	Consultation and submissions on draft NPS	Ministers decision and date gazetted
Type and number of engagement with public and iwi authorities	Board of inquiry or alternative process	Approach, type, audience, numbers For and against, those wishing to be heard Relating to Section 32A Type (individual, group, government agency, business, iwi) Discounted submissions (trade competition / frivolous and vexatious)	Outcome of decision (approve, make changes, withdraw all or part)

## E: Consultation, participation and decision-making (NES)

The following information provides context around MfE's engagement and decision-making to create a NES.

Pre-draft consultation or other form of engagement	Consultation and submissions on draft NES	Cabinet's decision
Type and number of engagement with public and iwi authorities	Approach, type, audience, numbers For and against, those wishing to be heard Relating to Section 32A Type (individual, group, government agency, business, iwi) Discounted submissions (trade competition / frivolous and vexatious)	Outcome of decision (approve, make changes, withdraw all or part)

# 15 National environmental standards and national policy statements: Broad approach for monitoring implementation and effectiveness

<b>Context: Why do we need information on NPSs and NESs?</b>	<p>Under section 24 of the RMA, the Minister for the Environment has a responsibility to monitor the effect and implementation of the Act, including any regulation and national policy in force. A growing number of these national tools are now in force, with many well-embedded in local authority processes. It is therefore becoming increasingly important to collect robust data on the <i>effectiveness</i> of how each NPS and NES is implemented.</p> <p>In recent years there has been a significant increase in the development of NPSs and NESs to provide greater national direction on nationally significant issues, promote greater consistency in resource consent requirements and decision-making, reduce compliance costs and timeframes, and achieve better environmental outcomes. The following national tools<sup>2</sup> are currently in force:</p> <ul style="list-style-type: none"><li>• NPS on Electricity Transmission</li><li>• NPS for Renewable Electricity Generation</li><li>• NPS for Freshwater Management</li><li>• NES for Air Quality</li><li>• NES for Sources of Human Drinking Water</li><li>• NES for Telecommunication Facilities</li><li>• NES for Electricity Transmission Activities</li><li>• NES for Assessing and Managing Contaminants in Soil to Protect Human Health.</li></ul> <p>Recently, specific surveys have been introduced to capture implementation information on NESs and NPSs from councils. Similarly, the two-yearly Survey of Local Authorities has included questions on NPS and NES implementation, such as whether a NPS was given effect to, or whether a NES was actively implemented. While providing a start, this information provides limited contextual information to help understand how each NPS or NES is being implemented.</p> <p>A more consistent and robust approach is required to monitor all national tools to ensure they are achieving their objectives and not leading to implementation issues, excessive costs or unintended consequences. In recognition of this, the Ministry for the Environment (MfE) has begun</p>
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<sup>2</sup> The New Zealand Coastal Policy Statement is also a national instrument, administered by Department of Conservation. The National Monitoring System focuses on RMA functions, processes and tools that the Minister for the Environment is responsible for. Monitoring the NZCPS is being considered as part of the Department of Conservation’s monitoring design project. Integrating RMA and NZCPS monitoring will be investigated further during the development and implementation of the proposed National Monitoring System.



	<p>to develop 'monitoring and evaluation plans' for each NPS and NES. These evaluation plans are closely connected to the National Monitoring System, and a number of the proposed measures relate to local authority planning and resource consent processes. However, the MfE evaluation plans are broader in scope and more focused on capturing periodic data from a range of sources, while the National Monitoring System focuses on information that can be systematically captured from councils on a more regular basis.</p> <p>The need is for a robust National Monitoring System for the RMA that allows us to better understand the implementation effectiveness of NPSs and NESs (and their context) on an ongoing basis to:</p> <ul style="list-style-type: none"> <li>• identify how each NPS and NES is being implemented, and the types of processes and resources being used by local authorities to achieve this</li> <li>• evaluate the effectiveness of each NPS and NES in achieving its objectives</li> <li>• ensure the national tools are being implemented as intended to achieve their objectives, and are not causing unnecessary delays or transaction costs</li> <li>• identify any areas where improvements, amendments and guidance may be required to improve the effectiveness of NPSs and NESs</li> <li>• support the development of better, more informed NPSs and NESs.</li> </ul>
<p><b>What information is needed?</b></p>	<p>Monitoring needs include:</p> <ul style="list-style-type: none"> <li>• when and how each NPS and NES is implemented in regional policy statements, regional and district plans and the time and costs to do so</li> <li>• the type, number and change in relevant resource consent decisions relevant to an NPS or NES</li> <li>• feedback on practices and impacts relating to how NPS or NES are being interpreted and applied.</li> </ul> <p>While the National Monitoring System seeks to capture systematic information from planning processes on the implementation and effect of NPS or NES, it will not capture the full picture. Additional evaluation processes will be used to establish the full extent and detail relating to the effectiveness of NPS and NES.</p>
<p><b>How will this information be captured?</b></p>	<p><b>Short-term approach:</b> Capture the proposed priority information at the end of the 2013/14 monitoring year through plan change and resource consent information. Use existing information on the implementation of NPSs and NESs into regional policy statements and regional and district plans to establish a baseline for this information.</p> <p><b>Long-term approach:</b> The capture of all proposed information at the end of the 2014/15 monitoring year and the development of an IT tool that would enable data to be uploaded automatically from councils' systems.</p> <p>To achieve efficiencies, information relating to NPS and NES will be aligned with that captured through the plan making and resource consents processes, removing the need to request two different sets of information. This includes identifying plan changes commenced as a result of a new NPS or details of resource consents relating to an activity, for example, the number, type and capacity of renewable energy developments.</p> <p>Aligning information in this way will also provide standard information on costs, timeframes, consultation and decision-making for planning and resource consent processes to be identified against each NPS and NES.</p>

## 15.1 National Policy Statement for Renewable Energy Generation 2011

The NPS for Renewable Energy Generation requires regional councils and unitary authorities, unless they have already provided for renewable electricity generation activities, to give effect to its provisions by notifying changes to existing or proposed regional policy statements within 24 months of the date on which it takes effect. For regional and district plans, proposed plans or variations, local authorities are required to give effect to its provisions by notifying changes:

- within 24 months of the date on which this NPS takes effect, where the regional policy statement or proposed regional policy statement already provides for the policies, or
- where a change or variation to the regional policy statement or proposed regional policy statement is required, within 12 months of the date on which the change or variation becomes operative.

For proposed plans, changes or variations notified before 13 May 2011, the NPS for Renewable Energy Generation may help the decision-maker determine whether a proposed policy statement or plan will achieve the Act's purpose. Since 13 May 2011 decision-makers on resource consent applications have had to have regard to the provisions of the NPS Renewable Energy Generation as a result of section 104(1)(b) of the Act, regardless of when the application was lodged.

### **The national objective for collecting this information is to:**

- monitor when and how provisions to recognise renewable energy activities are given effect to in plans
- monitor developments under the RMA that contribute towards the achievement of the Government's renewable energy target (90% by 2025)
- ensure that decision-makers on resource consents have regard to relevant provisions of the NPS Renewable Energy Generation.

The proposed data capture for the NPS for Renewable Energy Generation is outlined in table 3. In summary, the specific information requirements to potentially be incorporated into the National Monitoring System for the RMA relate to:

- implementation of the NPS for Renewable Energy Generation requirements through policy statement/plan reviews, and the nature of change (if any) to policy and plan provisions
- specific resource consent data for renewable energy activities, including the number of consents, the type of renewable energy generation, the output of consenting activity, and the time and costs associated with the resource consent process.

**Table 3: Proposed data capture for the NPS for Renewable Energy Generation**

Plans	Resource consents	Other
<ul style="list-style-type: none"> <li>• Policy statements and plan reviews to give effect to the NPS</li> <li>• For each review, the nature of changes (if any) to give effect to the NPS</li> <li>• Time, costs, consultation and decision-making associated with the policy/plan changes giving effect to the NPS</li> </ul> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<ul style="list-style-type: none"> <li>• New/re-consent/upgrade (number of consents by renewable type and MW output)</li> <li>• Decisions that have regard to the NPS</li> <li>• Decision – granted/declined (number of consents by renewable type and MW output)</li> <li>• Time and costs associated with the above resource consents</li> </ul> <p><i>[This information is proposed to be captured through resource consent information]</i></p>	<ul style="list-style-type: none"> <li>• Council feedback on issues and impacts of the NPS</li> <li>• Reference survey group on the impact of the NPS to provide greater consistency and better recognition of renewable energy generation</li> </ul>

## 15.2 National Policy Statement on Electricity Transmission 2008

The NPS on Electricity Transmission was gazetted on 13 March 2008. There was an April 2012 deadline for local authorities to give effect to the NPS provisions in plans by initiating a plan change or review. The NPS is intended to provide a high-level framework that will give guidance across New Zealand for the management and future planning of the national grid by:

- acknowledging the national significance of the national grid, which now has to be considered in local decision-making on resource management
- recognising the national benefits we all get from electricity transmission, such as better security of supply of electricity
- providing guidance to local decision-makers on managing the impacts of the transmission network on the environment
- guiding the management of the adverse effects of activities from third parties on the grid. This will help reduce constraints on the operation, maintenance, upgrading and development of the grid
- ensuring long-term strategic planning for elements of the national grid.

**The national objective for collecting this information is to:**

- monitor when and how provisions to recognise electricity transmission activities are given effect to in plans
- monitor whether the NPS has helped reduce RMA costs and timeframes associated with the operation, maintenance and upgrading of the existing transmission network
- ensure that decision-makers on resource consents have regard to relevant provisions of the NPS on Electricity Transmission.

The proposed data capture for the NPS on Electricity Transmission is outlined in table 4.

**Table 4: Proposed data capture for the NPS for Electricity Transmission**

Plans	Resource consents	Other
<ul style="list-style-type: none"> <li>• Policy statements and plan reviews to give effect to the NPS</li> <li>• For each review, the nature of changes (if any) to give effect to the NPS</li> <li>• Time, costs, consultation and decision-making associated with the policy/plan changes giving effect to the NPS</li> </ul> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<ul style="list-style-type: none"> <li>• New/re-consent/upgrade</li> <li>• Decisions that have regard to the NPS</li> <li>• Decision outcomes – granted/declined</li> <li>• Time and costs associated with the above resource consents</li> </ul> <p><i>[This information is proposed to be captured through resource consent information]</i></p>	<ul style="list-style-type: none"> <li>• Council feedback on issues and impacts of NPS</li> <li>• Transpower/industry feedback on the impact of the NPS to provide greater consistency and better recognition of electricity transmission</li> <li>• Transpower/industry feedback on how the NPS has impacted on the RMA costs and timeframes for their electricity transmission activities.</li> </ul>

## 15.3 National Policy Statement for Freshwater Management 2011

The NPS for Freshwater Management 2011 came into effect on 1 July 2011. The RMA requires local authorities to amend regional policy statements, proposed regional policy statements, plans, proposed plans and variations to give effect to any provision in an NPS that affects those documents. The NPS on Freshwater Management must be fully implemented by 31 December 2014, or if this is “impracticable”, by “no later than 2030”.

Where councils cannot implement the NPS by the end of 2014, they must identify a programme of time-limited stages (to meet the 2030 deadline) and report annually on progress against these stages. Any such programme must be formally adopted by councils within 18 months of gazettal of the NPS, and publicly notified. Because councils have indicated a staged implementation approach, the monitoring approach will need to focus on the implementation plan within each region, with the data capture based on the progress made by regional councils and unitary authorities.

From 1 July 2011, decision-makers under the RMA must have regard to all provision of the NPS in consenting decisions. The NPS also inserts two transitional policies (A4 and B7) directly into regional plans, which require councils to consider specific criteria when making decisions on resource consents. In accordance with sections 55(2) and 55(2A) of the Act, these amendments to existing regional plans are to be made without using the process in Schedule 1 of the Act and as soon as practicable. The intent is that activities in relation to water takes, use, damming and diverting, as well as discharges, are thoroughly considered and actively managed (to the extent that an NPS can achieve that) pending the inclusion of limits in plans.

### The national objective for collecting this information is to:

- ensure the NPS is given effect to in plans
- ensure freshwater objectives and limits are set in plans by 2030
- ensure the bottom lines are given effect – the life supporting capacity of water including indigenous species, ecosystem health
- ensure that land and water is managed in an integrated way
- confirm iwi and hapū involvement in freshwater decision-making and planning.

The proposed data capture for the NPS for Freshwater Management is outlined in table 5. **Please note:** Work is underway to define further information needs for the NPS as part of the Freshwater Reform Programme. Once identified, monitoring information about the implementation of the NPS and any subsequent freshwater reform initiatives will be included in the National Monitoring System for future collection.

**Table 5: Proposed data capture for the NPS for Freshwater Management**

Plans	Resource consents	Other
<p>For each staged implementation programme:</p> <ul style="list-style-type: none"> <li>• What NPS requirements does the programme relate to</li> <li>• What are the timeframes to implement each NPS requirement</li> <li>• How each staged implementation programme has changed following annual reporting as required by Policy E1(e)</li> </ul> <p>For each plan change above, how each policy and objective of the NPS was given effect to</p> <p>Time, costs, consultation and decision-making associated with the policy/plan changes giving effect to the NPS</p> <p><i>[This information is proposed to be captured through the update of plan review/change information as well as annual reporting on staged implementation programmes]</i></p>	<ul style="list-style-type: none"> <li>• Ongoing work</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing work</li> </ul>

## 15.4 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

Demand for fresh water is increasing across New Zealand – therefore the efficient use and management of water has become increasingly important. Before the Regulations taking effect, only 34 per cent of consented water takes were measured by regional councils and unitary authorities. There is also a significant information deficit at the national level about the allocation and use of fresh water.

The National Monitoring System for the RMA will collect information on the Resource Management (Measurement and Reporting on Water Takes) Regulations 2010. Note that this Regulation applies solely to regional councils and unitary authorities. This information will be specific to new and existing permit holders of consumptive takes greater than 5 litres per second, and will be captured on an annual basis. In line with the implementation strategy of the Regulation, the initial information to be collected will be for takes greater than 20 litres per second (November 2012), then for takes greater than 10 litres per second (November 2014), and then reach full implementation of 5 litres per second (November 2016). It is anticipated that the collected data will provide a more coherent and clear picture of water use at the catchment level and regions overall, and that water can then be more effectively allocated.

All new consents are subject to the Regulations. For all existing consents, the section 360 Regulations provide a transition period of between two and six years for existing consent holders.

This phased approach ensures a significant proportion of the national total consented allocation will be subject to the Regulations in a timely manner (92 per cent within 2 years; 96 per cent within 4 years; and 98 per cent within 6 years). The phased approach also manages demand for infrastructure and services eg, installing meters.

To understand the implementation and effectiveness of the Regulations, the following concerns need to be addressed by the National Monitoring System:

- inconsistent information
- inability to monitor compliance
- lack of good data to inform water management decisions
- lack of incentives to improve the situation
- allocative inefficiency.

**The national objective for collecting this information is to:**

- ensure consistency at national, regional and catchment levels for measuring and reporting actual water taken
- enable water users and regulators to easily determine compliance with water take consents
- provide accurate information about actual water taken in any catchment to inform decisions on the management of water resources
- improve allocative efficiency<sup>3</sup> through accurate measurement of water abstracted for consumptive uses.

The proposed data capture for the Water Measuring Regulations is outlined in table 6.

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<sup>3</sup> Allocative efficiency in this context refers to the difference between the volumes of water consented and what is actually used by a consent holder.

**Table 6: Proposed data capture for the Water Measuring Regulations**

Resource consents	Other
<ul style="list-style-type: none"> <li>• Resource consent requiring water meter:               <ul style="list-style-type: none"> <li>– Consent issue date</li> <li>– Consent expiry date</li> <li>– Location coordinates of take</li> <li>– Water catchment zone</li> <li>– Abstraction rate and total allocated L/ sec (used to calculate category &gt;5L/ sec, &gt;10L/ sec, &gt;20L/ sec)</li> <li>– Metered Yes /no</li> <li>– Take type (surface or groundwater)</li> <li>– Consumptive/non-consumptive</li> <li>– Use (primary use and use type)</li> </ul> </li> <li>• Monitoring of consent               <ul style="list-style-type: none"> <li>– Flow reported daily/weekly (rate, average flow, volume or other?)</li> <li>– Telemeter or manually reported</li> <li>– Actual total take per month annually (m3/d)</li> <li>– Date meter last verified</li> <li>– Results reported for the previous year</li> <li>– Written approval for meter being further away (exemption) Yes/no</li> </ul> </li> <li>• Cost to regional councils:               <ul style="list-style-type: none"> <li>– Number of FTE dedicated to advising/educating permit holders. This includes costs for education materials</li> <li>– Number of FTE dedicated to compliance</li> </ul> </li> </ul> <p><i>[This information is proposed to be captured through resource consent information]</i></p>	<p>Costs to existing consent holder:</p> <ul style="list-style-type: none"> <li>• Initial capital and then installation of the meter</li> <li>• Annual maintenance/calibration cost of the meter</li> <li>• Annual data reporting costs</li> </ul> <p>(This information on installation and maintenance could be collected from the list of preferred installers)</p>

## 15.5 Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008

The NES on Telecommunication Facilities came into force on 9 October 2008. The standards say:

- an activity (such as a mobile phone transmitter) that emits radio frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz–300GHz).
- the installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.
- noise from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.
- the installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.

The proposed data capture for the NES is outlined in table 7. In summary, the primary information requirements relate to:

- the number of notices received under clause 4 of the NES, certificates of compliance issued under the NES, and resource consents where a provision of the NES was relevant (ie, not just those in the road reserve)
- the types of resource consents issued under the NES and the associated processing timeframes and costs
- the number and type of new telecommunication facilities seeking approval under the RMA. Importantly, this would not be limited to telecommunication facilities located in the road reserve under clause 5 of NES, but includes all telecommunication facilities emitting radio frequency fields captured by clause 4. This would allow for a comparison of costs between different types of telecommunication facilities and an evaluation of how often service providers are using the NES.

It is anticipated that much of the standard information on the time and costs would be captured through the resource consent component of the National Monitoring System. However, some additional information would be required to be recorded when telecommunication applications are lodged, such as the type of telecommunication facility and the zone it is located within.

### **The national objective for collecting this information is to:**

- monitor whether the NES has reduced compliance costs and timeframes for service providers and assisted in network and equipment roll outs
- monitor whether the NES has helped reduce councils workload in processing and determining consent applications
- monitor if the NES achieves an appropriate balance between local participation in community planning and cost-effective national infrastructure investment.



**Table 7: Proposed data capture for the NES for Telecommunications Facilities**

Plans	Resource consents	Other
<p>Pick up any plan changes if or where relevant “to be consistent with” the NES</p> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<p>Under Clause 4 and 5</p> <ul style="list-style-type: none"> <li>• The number of notices received (4 only)</li> <li>• The number of codes of compliance issued</li> <li>• The number of resource consents                             <ul style="list-style-type: none"> <li>– By activity type</li> <li>– Time and cost</li> <li>– Notification status</li> <li>– Outcome (granted/declined)</li> </ul> </li> <li>• Where only clause 4 of the NES is used, what was the:                             <ul style="list-style-type: none"> <li>– type of infrastructure (eg, greenfield/co-location/rooftop)</li> <li>– zone (eg, industrial/commercial/rural/open space/residential)</li> </ul> </li> </ul> <p><i>[This information is proposed to be captured through resource consent information]</i></p>	<ul style="list-style-type: none"> <li>• Council feedback on issues and impacts of the NES</li> <li>• Industry survey/industry reference group to identify the impact of the NES, whether this had provided greater certainty and efficiency to assist with telecommunication roll outs</li> <li>• Survey of councils to identify public feedback, concerns and complaints relating to telecommunication facilities and NES</li> <li>• Survey of industry to identify public feedback, concerns and complaints relating to telecommunication facilities and NES</li> </ul>

## 15.6 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health:

- provides a nationally consistent set of planning controls and soil contaminant values
- ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

All territorial authorities (district and city councils) are required to give effect to and enforce the requirements of the NES. The NES does not affect existing land uses. The NES classifies certain activities as permitted activities. Activities requiring a resource consent under the NES include the development of land where the:

- risk to human health from soil contamination does not exceed the applicable soil contaminant value (controlled activity (9))
- risk to human health from soil contamination exceeds the applicable soil contaminant value (restricted discretionary activity (10))
- activity does not meet the requirements to be a restricted discretionary, controlled or permitted activity (discretionary activity (11)).

**The national objective for collecting this information is to:**

- ensure that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed
- ensure that land affected by contaminants in soil is remediated if necessary and contaminants contained to make the land safe for human use
- establish the extent that the NES is promoting national consistency in contaminated land management across territorial authorities
- monitor whether the NES is providing certainty and leading to fewer costs for councils, landowners and industry
- create administrative efficiency in managing data and consent processes.

The proposed data capture for the NES for Assessing and Managing Contaminants in Soil to Protect Human Health is outlined in table 8.

**Table 8: Proposed data capture for the NES for Assessing and Managing Contaminants in Soil to Protect Human Health**

Plans	Resource consents	Other
<p>Pick up any plan changes if or where relevant "to be consistent with" NES</p> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<ul style="list-style-type: none"> <li>• Number of preliminary site investigations received under clause 8 to:               <ul style="list-style-type: none"> <li>– subdivide or change the use of land 8(4)</li> </ul> </li> <li>• Number of detailed site investigations received under clauses 9/10/11 relating to:               <ul style="list-style-type: none"> <li>– Removing or replacing fuel storage system</li> <li>– Sampling soil</li> <li>– Disturbing soil</li> <li>– Subdividing or changing the use of land</li> </ul> </li> <li>• For each detailed site investigation, whether:               <ul style="list-style-type: none"> <li>– The requirements were met</li> <li>– Site status changed to 'non-contaminated'</li> <li>– Site confirmed to exceed the soil contaminants standards</li> <li>– Remediation works were required</li> </ul> </li> <li>• For each consent above, the:               <ul style="list-style-type: none"> <li>– Time and costs</li> <li>– Activity status</li> <li>– Notification status</li> <li>– Outcome (granted/declined)</li> </ul> </li> <li>• Through the NES, the number of:               <ul style="list-style-type: none"> <li>– Contaminant sites managed to make the land use safe for human use</li> <li>– Contaminant sites remediated to make the land safe for human use</li> </ul> </li> </ul> <p><i>[This information is proposed to be captured through resource consent information]</i></p>	<ul style="list-style-type: none"> <li>• Council feedback on issues and impacts associated with implementing the NES</li> <li>• Survey of industry and contaminated land specialists to seek feedback on how the NES is being applied, including impacts on compliance costs and timeframes</li> <li>• Through the NES, the number of:               <ul style="list-style-type: none"> <li>– Hazardous Activities and Industries List (HAIL) sites confirmed through preliminary site investigation</li> <li>– Number of contaminated sites identified through detailed site investigation</li> </ul> </li> </ul>

## 15.7 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

The NES on Electricity Transmission Activities came into effect on 14 January 2010. The NES sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. The NES:

- specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment
- specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

The NES only applies to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines, nor to substations.

**The national objective for collecting this information is to:**

- monitor consistency in consent requirements and decision-making for activities associated with the existing transmission network (operation, maintenance and upgrading) across regional and district boundaries
- monitor whether RMA costs and timeframes associated with the operation, maintenance and upgrading of the existing transmission network have been reduced

The proposed data capture for the NES for Electricity Transmission Activities is outlined in table 9.

**Table 9: Proposed data capture for the NES for Electricity Transmission Activities**

Plans	Resource consents	Other
<p>Pick up any plan changes if or where relevant “to be consistent with” the NES</p> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<ul style="list-style-type: none"> <li>• Under the NES, the number of known permitted activities undertaken, codes of compliance issued or resource consents for:               <ul style="list-style-type: none"> <li>– Overhead conductors</li> <li>– Earth wires and overhead cables</li> <li>– Adding overhead circuits</li> <li>– Increasing voltage or current rating</li> <li>– Underground conductors</li> <li>– Undergrounding transmission lines</li> <li>– Alteration, relocation and replacement of transmission line support structures</li> <li>– Temporary structures and temporary line deviation</li> <li>– Transmission lines – removal</li> <li>– Telecommunication devices</li> <li>– Signs</li> <li>– Blasting and coating transmission line support structures</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Council feedback on issues and impacts associated with implementing the NES</li> <li>• Transpower/industry feedback on how NES is being applied across councils and how the NES has impacted on the RMA costs and timeframes for their electricity transmission activities</li> </ul>

Plans	Resource consents	Other
	<ul style="list-style-type: none"> <li>- Discharges to water</li> <li>- Trimming trees and removing vegetation</li> <li>- Earthworks</li> <li>- Noise and vibration</li> <li>- Other activities</li> <li>• For each consent above, the: <ul style="list-style-type: none"> <li>- Time and costs</li> <li>- Activity status</li> <li>- Notification status</li> <li>- Outcome (granted/declined)</li> </ul> </li> </ul> <p><i>[This information is proposed to be captured through resource consent information]</i></p>	

## 15.8 Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007

The NES for Sources of Human Drinking Water is intended to reduce the risk of contaminating drinking water sources, such as rivers and groundwater. It does this by requiring regional councils and unitary authorities to consider the effects of activities on drinking water sources in their decision-making. The standard came into effect on 20 June 2008 and requires regional councils and unitary authorities to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment
- place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (eg, spills) that may adversely affect sources of human drinking water.

**The national objective for collecting this information is to:**

- monitor how the NES is working to reduce the risk of contamination of drinking water sources
- monitor the consistency of approach across New Zealand
- understand if the NES has helped to promote an effective and efficient way of managing human drinking water.

The proposed data capture for the NES for Sources of Human Drinking Water is outlined in table 10.

**Table 10: Proposed data capture for the NES for Sources of Human Drinking Water**

Plans	Resource consents	Other
<ul style="list-style-type: none"> <li>Number of plan reviews to implement the NES requirements by ensuring permitted activities not likely to result in unsafe drinking water. For each review:</li> <li>The nature of changes (if any) to give effect to this NES</li> </ul> <p>Time, costs, consultation and decision-making associated with the above plan changes.</p> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<p>Number of discharge or water permits where effects on community drinking water suppliers considered</p> <p>For each consent, the:</p> <ul style="list-style-type: none"> <li>Number declined under the NES</li> <li>Number granted</li> <li>Activity status</li> <li>Notification status</li> <li>Time and cost</li> </ul> <p>Number of resource consents with conditions requiring notification of drinking water suppliers if events occur that may adversely affect sources of human drinking water</p> <p>Number of discharge or discharge permits declined under the NES because they may result in unsafe drinking water</p> <p><i>[Some of this information is proposed to be captured through resource consent information]</i></p>	<ul style="list-style-type: none"> <li>Research on the quality of drinking water (including levels of specific contaminants) and changes in quality over time</li> <li>Council feedback on issues and impacts associated with implementing the NES</li> <li>Survey of permitted activity provisions in regional plans that relate to activities that may impact on drinking water supplies to identify: <ul style="list-style-type: none"> <li>Consistency/variation</li> <li>How many more stringent than the NES</li> </ul> </li> <li>Survey of drinking water suppliers in how the NES impacted on the RMA approach, process and timeframes to manage drinking water supplies</li> </ul>

## 15.9 Resource Management (National Environmental Standards for Air Quality) Regulations 2004

The NES for Air Quality are regulations made under the Resource Management Act 1991, which set a guaranteed minimum level of health protection for all New Zealanders.

**The national objective for collecting this information is to:**

- understand whether the NES has achieved national consistency and its policy intent in relation to ambient air quality
- monitor how regional councils and unitary authorities are addressing air quality issues in planning and consent processes and whether the NES is providing greater certainty in decision making.

Regional councils and unitary authorities are responsible for managing air quality under the RMA. They are required to identify areas where air quality is likely, or known, to exceed the standards. These areas are known as airsheds.

The proposed data capture for the NES for Air Quality is outlined in table 11.

**Table 11: Proposed data capture for the NES for Air Quality**

Plans	Resource consents	Other
<p>Pick up any plan changes if or where relevant “to be consistent with” the NES</p> <p><i>[This information is proposed to be captured through the update of plan review/change information]</i></p>	<p>Consents approved for discharges to air in the following NES categories:</p> <ol style="list-style-type: none"> <li>1. particles (PM<sub>10</sub>)</li> <li>2. carbon monoxide</li> <li>3. nitrogen dioxide</li> <li>4. ozone</li> <li>5. sulphur dioxide</li> </ol> <p><i>[This information is proposed to be captured resource consent information]</i></p>	<p>PM<sub>10</sub> data from regional councils and unitary authorities</p> <ul style="list-style-type: none"> <li>• Level</li> <li>• Date (time of year)</li> <li>• Where</li> </ul> <p>Complaints and compliance actions for discharges to air in the NES categories</p> <p>Public notices of exceedences</p> <p>Number of exceptional circumstances</p> <p>Number of woodburner installations/removals from district council building consents</p> <p>Number of landfills that meet requirements set out in regulation 25(1)(a)(i)</p> <p>Amount of greenhouse gases collected by landfills</p>